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RECOMMENDATIONS

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COMMUNITY PLANNING GROUP /STAFF'S /PLANNING COMMISSION

Project Manager **must** complete the following information for the Council docket:

CASE NO. 51076

STAFF'S

DENY the appeal and UPHOLD the Planning Commission's decision to approve the Stebbins Residence, project No. 51076; Certify Mitigated Negative Declaration (MND) and adopt Mitigation, Monitoring, and Reporting Program (MMRP); approve Coastal Development Permit (CDP), and Site Development Permit (SDP) to allow the demolition of the existing duplex, and the construction of a new three-story single family residence above a basement garage, and to allow for a deviation from the regulations for Special Flood Hazard Areas.

PLANNING COMMISSION (List names of Commissioners voting yea or nay)

YEAS: Schultz, Garcia, Naslund, Otsuji, Ontai and Griswold

NAYS: None

ABSTAINING: (Vacant)

TO: Approve Coastal Development Permit, Site Development Permit, Certify Mitigated Negative Declaration, and adopt associated MMRP.

COMMUNITY PLANNING GROUP

LIST NAME OF GROUP:

- ☐ No officially recognized community planning group for this area.
- ☐ Community Planning Group has been notified of this project and has not submitted a recommendation.
- ☒ Community Planning Group has been notified of this project and has not taken a position.
- ☐ Community Planning Group has recommended approval of this project.
- ☐ Community Planning Group has recommended denial of this project.
- ☐ This is a matter of City-wide effect. The following community group has taken a position on the item:

In favor: 4

Opposed: 4

By Laila Iskandar
Project Manager

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Office of
The City Attorney
City of San Diego

MEMORANDUM
MS 59

(619) 533-5800

RECEIVED
CITY OF SAN DIEGO
07 JUN 14 PM 2:27
SAN DIEGO, CALIF.

DATE: June 13, 2007
TO: Honorable Mayor and City Councilmembers
FROM: City Attorney
SUBJECT: In Relation to the Appeal of the Planning Commission's Decision to Approve the Issuance of a Site Development Permit for the Stebbins Residence, Project No. 51076

INTRODUCTION

On March 1, 2007, the Planning Commission approved a Coastal Development Permit [CDP] and Site Development Permit [SDP], certified the Mitigated Negative Declaration [MND] and adopted a Mitigation Monitoring and Reporting Program [MMRP] for the Stebbins Residence—a project involving the demolition of an existing single-story duplex and the construction of a 1,749 square-foot three-story single-family residence on a 2,500 square-foot lot. A Site Development Permit is needed because the project includes a request to deviate from the applicable Environmentally Sensitive Lands (ESL) Regulations to allow a portion of the new structure to be located below the base flood elevation for below grade parking (subterranean two-car garage with storage area). The property is located within a 100 year floodplain and is within a Special Flood Hazard Area [SFHA]. See San Diego Municipal Code [SDMC] sections 143.0110 Table 143-01A, 126.0504(a)(b)(c) & (d) and 143.0150(a) & (b); Staff Report to Planning Commission, Report No. PC-07-010 (January 30, 2007).

On or about March 14, 2007, the determination of the Planning Commission was appealed to City Council. A hearing is currently scheduled for June 19, 2007, at which time the City Council will be asked to decide whether to grant or deny the appeal. Pursuant to San Diego Municipal Code section 112.0508(c), grounds for appeal of this Process Four Decision may include:

1. *Factual Error.* The statements or evidence relied upon by the decision maker when approving, conditionally approving, or denying a permit, map, or other matter were inaccurate;
2. *New Information.* New information is available to the applicant or the interested person that was not available through that person's reasonable efforts or due diligence at the time of the decision;

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3. *Findings Not Supported.* The decision maker's stated findings to approve, conditionally approve, or deny the permit, map, or other matter are not supported by the information provided to the decision maker;
4. *Conflicts.* The decision to approve, conditionally approve, or deny the permit, map, or other matter is in conflict with a land use plan, a City Council policy, or the Municipal Code; or
5. *Citywide Significance.* The matter being appealed is of citywide significance.

On appeal of the Mitigated Negative Declaration, the City Council, per Section 112.0520(d), shall, by majority vote:

1. Deny the appeal, uphold the environmental determination and adopt the CEQA findings of the previous decision-maker, where appropriate; or
2. Grant the appeal and make a superceding environmental determination or CEQA findings; or
3. Grant the appeal, set aside the environmental determination, and remand the matter to the previous decision-maker, in accordance with section 112.0520(f), to reconsider the environmental determination that incorporates any direction or instruction the City Council deems appropriate.

One of the issues on appeal is whether the Federal Emergency Management Administration [FEMA] Regulations, Section 60.6(a) of Title 44 of the Code of Regulations [44 CFR Section 60.6(a)] (and as expressly referenced in Council Policy 600-14), apply to this project; and if so, whether these standards have been complied with. *See Report To City Council, May 16, 2007, Report No. 07-091.* In determining whether to approve the Site Development Permit for this project, the Planning Commission did not make the findings of 44 CFR Section 60.6(a), which are identified in Council Policy 600.14.¹

¹ Although normally the Development Services Department [DSD] makes a written recommendation to City Council on appeal, DSD is not required to do so in every case. Section 112.0401(b) only requires a written recommendation where feasible. Given the nature of this appeal and the determinations to be made based upon the applicability of federal standards to these particular facts (e.g. exceptional hardship), it may not be feasible for DSD to make a written recommendation at this time.

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QUESTION PRESENTED

Do the findings of 44 CFR Section 69.6(a) (as incorporated into Council Policy 600-14) need to be made in order to approve an SDP for this project?

SHORT ANSWER

Yes. The findings of 44 CFR Section 69.6(a) (as incorporated into Council Policy 600-14) need to be made in order to approve an SDP for this project.

LEGAL ANALYSIS

Under FEMA's National Flood Insurance Program [NFIP], the City of San Diego qualifies for the sale of federally-subsidized flood insurance if the City adopts and enforces its floodplain management requirements that meet or exceed the minimum NFIP standards and requirements. *See* 44 CFR Section 59.2(b) and Part 60. The City's floodplain management requirements must, at a minimum, be designed to reduce or avoid future flood, mudslide (i.e., mudflow) or flood-related erosion damages and must include effective enforcement provisions. *See* FEMA's *Floodplain Management Requirements A Study Guide and Desk Reference for Local Officials*, Page 5-4.

FEMA Regulations [44 CFR Section 60.6(a)] expressly identify the procedures for communities to follow when granting a variance, or in this case a deviation:

1. Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;
2. Variances may be issued by a community for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of paragraphs (a)(3), (4), (5) and (6) of this section;
3. Variances shall only be issued by a community upon
 - i. a showing of good and sufficient cause,
 - ii. a determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - iii. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or

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victimization of the public, or conflict with existing local laws or ordinances;

4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
5. A community shall notify the applicant in writing over the signature of a community official that
 - i. the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and
 - ii. such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions as required in paragraph (a)(6) of this section; and
6. A community shall (i) maintain a record of all variance actions, including justification for their issuance, and (ii) report such variances issued in its annual or biennial report submitted to the Administrator.

FEMA interprets these requirements to mean that, "[a] review board hearing a variance request must not only follow procedures given in the NFIP criteria, it must consider the NFIP criteria in making its decision." See FEMA's *Floodplain Management Requirements A Study Guide and Desk Reference for Local Officials*, Page 7-45. In interpreting its own standards, FEMA has provided guidance to assist communities in determining whether the applicant for a project has demonstrated good and sufficient cause and hardship to justify a deviation:

Good and sufficient cause. The applicant must show good and sufficient cause for a variance. Remember, the variance must pertain to the land, not its owners or residents. Here are some common complaints about floodplain rules that are NOT good and sufficient cause for a variance:

- The value of the property will drop somewhat.
- It will be inconvenient for the property owner.
- The owner doesn't have enough money to comply.
- The property will look different from others in the neighborhood.
- The owner started building without a permit and now it will cost a lot to bring the building into compliance.

Hardship. The concept of unnecessary hardship is the cornerstone of all variance standards. Strict adherence to this concept across the country has limited the granting of variances.

The applicant has the burden of providing unnecessary hardship. Reasons for granting the variance must be substantial; the proof must be compelling. The claimed hardship must be exceptional, unusual and peculiar to the property involved. Financial hardship, inconvenience, aesthetic considerations, physical handicaps, personal preferences or the disapproval of one's neighbors do not qualify as exceptional hardships.

The local board must weigh the applicant's plea of hardship against the purpose of the ordinance. Given a request for a variance from floodplain elevation requirements, the board must decide whether the hardship the applicant claims outweighs the long-term risk to the owners and occupants of the building would face, as well as the community's need for strictly enforced regulations that protect its citizens from flood danger and damage.

When considering variances to flood protection ordinances, local boards continually face the difficult task of frequently having to deny requests from applicants whose personal circumstances evoke compassion, but whose hardships are simply not sufficient to justify deviation from community-wide flood damage prevention requirements.

See FEMA's Floodplain Management Requirements A Study Guide and Desk Reference for Local Officials, Pages 7-45 and 7-46.²

Historically, the City of San Diego's approved floodplain management requirements were a combination of the City Municipal Code provisions, found at Sections 62.0423, 91.8901 and 101.0462, and Council Policy 600-14. Both Section 62.0423 and 91.8901 incorporated by reference Council Policy 600-14. After the Land Development Code [LDC] was streamlined and amended in January 2000, reference to Council Policy 600-14 was removed from the Municipal Code. Council Policy 600-14, both before and after the January 2000 LDC amendments,

² The requirement for demonstrating good cause and exceptional hardship before granting a deviation dates to 1976. The federal regulatory history of 44 CFR Part 60 is found in the Federal Register at 40 Fed. Reg. 13419, 13420 (March 26, 1975) and 41 Fed. Reg. 46961, 46962, 46966 and 46979 (October 26, 1976). "The proposed regulations did not intend to set absolute criteria for granting of a variance, since it is the community which, after appropriate review, approves or disapproves a request. Rather, the regulations support FIA's authority to review the grounds on which variances were granted and to take action (including action to suspend) where a pattern of variance issuances indicates an absence of unusual hardship or just and sufficient cause. For example, in the instance of a community issuing a variance for a structure to be erected on a lot exceeding one-half acre, the final rule reflects FIA's position that the degree of technical justification required increases greatly and that extreme and undue hardship must be shown." 41 Fed. Reg. at 46966.

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identified the criteria for granting a variance consistent with FEMA Regulations 44 CFR Section 60.6(a). Although Council Policy 600-14 is no longer incorporated by reference into the LDC, this Policy still remains in effect and, thus, City Council is subject to its terms. The last time Council Policy 600-14 was amended was in December 2000. In addition, Section 143.0145(d) of the LDC makes clear that "...all other applicable requirements and regulations of FEMA apply to all development proposing to encroach into a Special Flood Hazard Area, including both the floodway and flood fringe areas..." Therefore, the LDC on its fact incorporates by reference the requirements of 44 CFR Section 60.6(a).

Because a Special Flood Hazard Area is considered an environmentally sensitive lands [ESL] area, a Site Development Permit is necessary per SDMC section 126.0504(a) and (b). The normal findings for a Site Development Permit for projects on ESLs are:

1. The proposed development will not adversely affect the applicable land use plan;
2. The proposed development will not be detrimental to the public health, safety, and welfare;
3. The proposed development will comply with the applicable regulations of the Land Development Code;
4. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands;
5. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards;
6. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands;
7. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan;
8. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply; and
9. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

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In addition to the above findings for a Site Development Permit, any deviation from the Environmentally Sensitive Land Regulations where the project is within a Special Flood Hazard Area also requires the following supplemental findings be made, pursuant to SDMC section 143.0150(a) & (b), 126.0504(c) & (d):


1. There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands;
2. The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making;
3. The City Engineer has determined that the proposed development, within any designated floodway will not result in an increase in flood levels during the base flood discharge; and,
4. The City Engineer has determined that the deviation would not result in additional threats to public safety, extraordinary public expense, or create a public nuisance.

Therefore, in order to grant the deviation for this project under the Land Development Code, all 13 findings, as identified above, must be made, as supported by substantial evidence in the record. One of the express requirements is that "the proposed development will comply with the applicable regulations of the Land Development Code." In as much as the LDC incorporates by reference the FEMA standards, it is clear that FEMA standards will also apply to this project. This would include the provisions of 44 CFR Section 60.6(a). Council Policy 600-14 further demonstrates the need to ensure Section 60.6(a) is complied with before a deviation is granted since it expressly identifies this FEMA regulatory criteria.

CONCLUSION

Among the many issues the City Council must consider in determining whether to grant or deny the appeal, the City Council must also decide whether substantial evidence in the record supports the findings for granting a Site Development Permit, which includes the findings of 44 CFR Section 60.6(a) of the FEMA Regulations (as incorporated by reference into the Land Development Code and as expressly referenced in Council Policy 600-14).

MICHAEL J. AGUIRRE, City Attorney

By 
Shirley R. Edwards
Chief Deputy City Attorney



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: May 16, 2007

REPORT NO.: 07-091

ATTENTION: Council President and City Council
Docket of May 22, 2007

SUBJECT: Stebbins Residence - Project No. 51076, Council District 2,
Process Four Appeal

REFERENCE: Report to the Planning Commission No. PC-07-010 (Attachment 26)

REQUESTED ACTION: Should the City Council approve or deny an appeal of the Planning Commission's decision to approve a Coastal Development Permit (CDP), and Site Development Permit (SDP) to allow the demolition of an existing duplex, and the construction of a new three-story single family residence above a basement garage, with a deviation from the regulations for Special Flood Hazard Areas?

STAFF RECOMMENDATION:

1. DENY the appeal and UPHOLD the Planning Commission's decision to APPROVE Coastal Development Permit No. 147134, and Site Development Permit No. 389939.
2. CERTIFY Mitigated Negative Declaration No. 51076, and ADOPT the Mitigation, Monitoring, and Reporting Program.

SUMMARY:

Planning Commission Decision:

On March 1, 2007, the City of San Diego Planning Commission certified the Mitigated Negative Declaration and approved the proposed project (Attachment 8). The unanimous decision to approve the project was preceded by a February 8, 2007 hearing, wherein the Planning Commission directed the applicant to demonstrate and further clarify the flood-proofing techniques employed in the project design.

Appeal Issues:

On March 14, 2007, an appeal of the Planning Commission's decision was filed asserting factual error, conflict with other matters, findings not supported, new information, and city-wide significance (Attachment 13). These issues are discussed further in this report.

Background:

The project is located at 5166 West Point Loma Boulevard within the Ocean Beach Precise Plan and Local Coastal Program Land Use Plan (Attachment 1). The Precise Plan designates the 0.057-acre site and surrounding neighborhood for multi-family land use at a maximum density of 25 dwelling units per acre (Attachment 2). The site is zoned RM 2-4 and subject to the applicable regulation of the Land Development Code (Attachment 4).

The single-story, 1,250 square-foot duplex was constructed in 1955. The project site is surrounded by established multi-family residential developments to the west, east, south and Ocean Beach Dog Park to the northwest. The San Diego River is located approximately 650 feet to the north of the proposed development and the Pacific Ocean to the west (Attachment 3).

Project Description:

The project is requesting a Coastal Development Permit (CDP) and a Site Development Permit (SDP) in accordance with the City of San Diego Land Development Code to demolish an existing single-story duplex and construct a three-story single-family residence on a 2,500 square-foot lot. The project includes a request to deviate from the applicable Environmentally Sensitive Lands (ESL) Regulations to allow a portion of the new structure to be located below the base flood elevation in order to provide below grade parking on the property. The Coastal Development Permit is required for the demolition and new construction on the property and the Site Development Permit is required to allow for the deviation to the ESL regulations.

The proposed 1,749 square-foot single family residence would include an office, master bedroom, two bathrooms and a patio on the first level; a kitchen, dining room, living room, bathroom and two decks on the second level; and a loft and a deck on the third-floor level. The project would also include a subterranean two-car garage with a storage area. The design of the structure is a contemporary style utilizing clean straight lines, multiple building planes and façade articulations, large balconies and metal and glass accents (Attachment 5). The proposed design would comply with all of the applicable development regulations of the RM-2-4 Zone including the 30-foot height limit.

Whereas the new structure may represent a notable change from that of the existing structure and, would be dissimilar to the row of old duplexes, the design of the residence would be consistent with new single-family homes throughout the Ocean Beach community and compatible with adjacent two and three-story structures in the neighborhood. Likewise, the proposed residential structure would be consistent with the Ocean Beach Precise Plan that envisioned new and revitalized development, and the project would conform to the Land Development Code regulations with the approval of the appropriate development permits.

Community Plan Analysis:

The project site is located on one side of a block consisting of 1-story duplexes. The architectural style of the existing duplexes is virtually identical and has been determined not to be historically significant. Many of the structures are dilapidated and in need of repair/remodeling and the proposal would be consistent with the Ocean Beach Action Plan's objective to "Renovate substandard and dilapidated property" (Residential Element) and "Promote the continuation of an economically balanced housing market, providing for all age groups and family types" (Residential Element).

As originally submitted, the project included the demolition of the existing duplex and construction of a 1,751 (original proposal) square-foot three-story dwelling and subterranean parking garage. Staff initially had concerns regarding the bulk and scale portrayed in the first submittal as it lacked the off-setting planes and building articulation of the final design. The issue of bulk and scale was addressed when the applicant, after meeting with staff, incorporated several design changes that served to further break down the bulk of the original submittal in a manner that preserves the character of small-scale residential development in the community.

The revised project would be consistent with the Ocean Beach Precise Plan. At three stories, the project would be of a larger scale than immediately surrounding development. However, the project would more closely match 2-story structures on the block to the immediate north of West Point Loma Boulevard. In addition, the project area is mapped within the 100-year floodplain and the restrictions on development within the floodplain require that the first floor be 2 feet above the base flood elevation, which would effectively render the ground floor uninhabitable for most properties in this area. This condition and the RM-2-4 zone requirement that 25 percent of FAR be utilized for parking led the applicant to waterproof the garage in order to avoid having part of the ground floor level devoted to parking, which, in turn, would have drastically reduced habitable space. The project proposal includes a modest increase in square footage from 1,250 to 1,749 and the applicant has submitted a design that is well-articulated with pronounced step backs on both the second and third stories which would enhance pedestrian orientation along the public right-of-way. The third story roof is also sloped down in front to further break up the scale of the proposal. Further, the proposal observes the thirty-foot height limit of the Coastal Overlay Zone.

Staff concluded that the proposed design typifies "small-scale" low-density development and would be consistent with both the Ocean Beach Precise Plan and the Action Plan goals for redevelopment and owner occupied housing. This determination was based on the well articulated design which reduces the bulk of the structure and observes the Coastal Overlay height limit while mindful of the site's physical constraints and regulatory issues which include the floodplain and zoning limitations on floor area ratio.

The project is located between the first public right-of-way and the ocean and therefore issues of coastal access (physical and visual) must be addressed. The proposal would not impact any physical access to the coast. In addition, there are no public view corridors

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identified in the area by either the Ocean Beach Precise Plan or the Ocean Beach Action Plan. Nonetheless, the project would respect setback requirements and a three foot view corridor would be provided along the east and west sides of the property through a deed restriction to preserve views toward Dog Beach and the San Diego River.

Environmental Analysis:

The project site is within the 100 year floodplain and is therefore considered environmentally sensitive land. However, previous site grading and construction of the existing duplex completely disturbed the site. The property is relatively flat with an elevation of 8 feet above mean sea level. The site does not include any sensitive topographical or biological resources and is neither within or adjacent to Multi-Habitat Planning Area (MHPA) lands. A Mitigated Negative Declaration dated November 2, 2006, has been prepared for this project in accordance with State CEQA guidelines, and a Mitigation, Monitoring and Reporting Program is required for Archaeological Resources to reduce any potential impacts to below a level of significance.

The Initial Study for the project also addressed geologic conditions, human health/public safety, historical resources, and water quality. (Prior to preparing the Initial Study, staff also evaluated potential impacts in all of the issue areas listed in the MND's Initial Study Checklist.)

Project-Related Issues:

Appeal Issues:

On March 14, 2007, an appeal was filed by Mr. Randy Berkman, and Mr. Larry Watson asserting factual error, conflict with other matters, and findings not supported, new information, and city-wide significance (Attachment 13). These issues are addressed below in the approximate order they appear within the appeal and include staff's response:

Appeal Issue No. 1: Appellant asserts that the Council Policy 600-14 is not addressed in the MND.

Staff Response: The intent of Council Policy 600-14 is to promote the public health, safety and general welfare, and to minimize public and private losses due to flooding and flood conditions in specific areas by regulating development within Special Flood Hazard Areas. Council Policy 600-14 was incorporated into the Land Development Code, Environmentally Sensitive Lands Section (143.0145 and 143.0146) as a part of the 2000 Land Development Code update and is no longer in effect as a regulatory document. Therefore, it is not necessary to reference it in the Mitigated Negative Declaration.

Appeal Issue No. 2: Appellant claims that New Information was provided during the hearing which was not disclosed in the MND.

Staff Response: Development Services originally determined that the proposed project could not be supported by staff. However, after consultation with the City Engineer and

further review of the proposed water proofing, flood control methods and the structural design of the project, staff concluded that the deviation to allow the building below the base flood elevation could be favorably recommended to the decision maker. The Mitigated Negative Declaration was prepared and distributed for public review on September 18, 2006. The environmental document is based on the final project and identified that the proposed project included a deviation for underground parking. There is no CEQA requirement for the lead agency to discuss project revisions that occurred throughout the review process or how staff arrived at final project determinations prior to public review of the CEQA document.

Appeal Issue No. 3: Appellant claims that FEMA Technical Bulletin 6-93 "Strictly Prohibits" parking under residence in Flood Plains. The appeal also states that FEMA Technical Bulletin 3-93 was improperly cited in the MND because it applies to non-residential structures.

Staff Response: The FEMA Technical Bulletins are not applicable to the project and staff determined that the proposed subterranean parking may be permitted with a Site Development Permit requesting a deviation to the Environmentally Sensitive Lands (ESL) Regulations of the Land Development Code which are the basis for project review in a Flood Plain. The staff determination was based on consultation with the City Engineer after review of the proposed dewatering and flood-proofing techniques incorporated into the project and made conditions of the Site Development Permit. The technical bulletins were not referenced in the MND but did appear in the previous Planning Commission report (Attachment 12) in an effort to represent how deviations can be permitted with the appropriate engineering techniques.

Appeal Issue No. 4: Appellant claims that potential consequences of approving sub-surface parking under residence in a flood plain, and that any new construction must comply with the requirements of Vol. 44 of the Code of Federal Regulations and NFIP.

Staff Response: New construction must comply with the applicable sections of the City of San Diego Municipal Code and the Uniform Building Code. The Municipal Code implements Chapter 44 of the Code of Federal Regulation which provides guidelines for city regulations and the National Insurance Program.

Appeal Issue No. 5: Appellant asserts that the proposed project is inconsistent with Ocean Beach Precise Plan, referring to illustration on page 116 of the Precise Plan.

Staff Response: The illustration on page 116 of the original Ocean Beach Precise Plan was intended to illustrate what could be developed on typical lots, not to mandate a specific development type. In addition, this provision was based on a prior 24 foot height limit of the Ocean Beach Precise Plan which was amended in 1983 to 30 feet in conjunction with the 30-foot height limit initiative. The proposed project would include underground parking, respect the required setbacks and provide additional step backs and articulation at the second and third levels. Alternative designs with surface parking would likely require

additional deviations to applicable development regulations or produce undesirable box-like bulky structures that would be inconsistent with the Ocean Beach Precise plan.

Appeal Issue No. 6: Appellant claims that evidence of visual impacts was not disclosed in the MND.

Staff Response: As outlined on Page 4 of the Initial Study in the MND, conditions of the permit include recording a deed restriction preserving a three foot wide visual corridor along the east and west property lines. In addition, the proposed second story of the structure has been stepped back and the third floor has a sloped roof at a 5:12 pitch. Please refer to Figure 3 in the MND. Therefore, no impacts to visual quality would occur.

The project was revised throughout the review process and incorporated several building articulation methods, in particular increasing second story setbacks, to mitigate the apparent bulk of the prior design. Staff has determined that the final design preserves and enhances views from elevated public areas and those adjacent to the beaches, as much as possible, given the allowed thirty foot height limit. Staff believes that the underground parking configuration allows the flexibility to increase setbacks that contribute to a design that protects coastal views. Staff determined that the combination of flood plain related site constraints, the observance of setbacks, a well-articulated design with pronounced second and third-story setbacks on front and rear elevations provides visual interests and preserves site lines. Additionally, the project observes the Coastal Overlay Zone height limit and would ensure that the project would not adversely affect views from elevated and/or beach areas or impact any physical access to the coast. Finally, the proposal would be consistent with OB Precise Plan policy to, "Renovate substandard and dilapidated property."

Appeal Issue No. 7: Appellant claims that the proposed project would also adversely affect the following policy: "That yards and coverage be adequate to insure provision of light and air to surrounding properties, and that those requirements be more stringent where necessary for buildings over two stories in height...Proposal would cast shadows over neighboring building/residence and impact air circulation..."

Staff Response: The development regulations of the underlying RM-2-4 zone have incorporated yard and setback requirements to ensure that adequate light and air would be available to surrounding properties. The proposed project would respect the setback requirements of the RM-2-4 zone. Additionally, increased step backs would be provided on the second and third stories which would further contribute to the provision of light and air for surrounding properties.

Appeal Issue No. 8: Appellant claims that evidence of cumulative impacts to neighborhood character and loss of affordable housing/conflict with Ocean Beach Precise Plan is not addressed in the MND.

Staff Response: The project is not deviating from the applicable development regulations of the RM-2-4 Zone and therefore staff does not believe there would be cumulative impacts to neighborhood character if surrounding properties developed in a manner consistent with

the recommended density of the Precise Plan and in conformance with the allowable bulk and scale established by the zone.

Coastal Overlay Zone Affordable Housing Replacement Regulations of the City's Land Development Code apply to demolition of residential structures with three or more dwelling units. At one unit on the site, these regulations would not apply to the project site. In addition, the Ocean Beach Action Plan calls for the renovation of substandard and dilapidated property of which the existing structure qualifies.

The reconstruction of a single-family residence does not constitute a substantial impact to affordable housing, nor would it create a displacement of housing.

Appeal Issue No. 9: Appellant claims that the dewatering operation might cause settlement or has potential impacts to adjacent properties not addressed in the MND.

Staff Response: As outlined on page 3 of the Initial Study, the contractor for the project must comply with Section 02140 of the City of San Diego Clean Water Program (CWP) Guidelines which would protect adjacent properties during the dewatering process. Therefore, no impacts would occur.

Appeal Issue No. 10: Appellant claims that **almost without exception, FEMA requires that habitable structures (including basements/underground parking) be one foot above the base flood)**

Staff Response: 44 CFR 60.6 Variances and Exceptions authorizes communities to grant variances to the regulations set for in Sections 60.3, 60.4, 60.5. As previously stated, the City of San Diego adopted the Land Development Code in the year 2000 and incorporated Flood Plain management development criteria into the Environmentally Sensitive Lands Regulations section. The ESL Regulations permit deviations by the local authority with a Site Development Permit. This determination has been confirmed by a FEMA Natural Hazards Program Specialist of the Mitigation Division.

Appeal Issue No. 11: Appellant claims that Section 60.6(b)(2) states: "The administrator shall prepare a Special Environmental Clearance to determine whether the proposal for an exception under paragraph (b)(1) of this section will have significant impact on the human environment.

Staff Response: This section does not apply to any local authority that has adopted Flood Plain management regulations. Please refer to staff response of appeal issue 10 above.

Appeal Issue No. 12: Appellant claims that the Stebbins Residence does not meet the FEMA standards for granting of a Variance for undergrounded parking of residence in the floodplain (Exceptional hardship).

Staff Response: Deviations to environmentally sensitive land which includes flood plains are subject to and decided in accordance with the applicable regulations of the Land Development Code. FEMA standards for granting a variance are incorporated into the Land Development Code and implemented by the City of San Diego.

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Appeal Issue No. 13: Appellant claims that deviations must not be subject to tidal flooding. The Coastal Commission has required wave run up studies for redevelopment of residences which are located on the final street before the beach as this project.

Staff Response: Properties subject to tidal flooding are identified on FEMA Maps as Zone "V" whereas, this project lies within zone "A" therefore, the project site is not considered to be subject to tidal flooding.

Appeal Issue No. 14: The appellant claims that the Retaining walls necessary to develop the subterranean parking might be considered shoreline protection devices.

Staff Response: The retaining walls are not shoreline protection devices. Shoreline protection devices are normally associated with coastal beach and coastal bluff erosion. The project site is not located on the beach or bluff and therefore does not require a protective device. The retaining walls are a part of the garage structure and necessary for the proposed construction.

Appeal Issue No. 15: The appellant claims that the Findings required to approve the project are not supported citing conflict with FEMA requirements, City Council Policy 600-14 and the Land Development Code.

Staff Response: Staff reviewed the proposed project in accordance with the applicable regulations of the Land Development Code and determined that the draft findings necessary to approve the project can be affirmed by the decision maker. It has been confirmed by FEMA staff that the City of San Diego Land Development Code provides the applicable development regulations for deviations to projects located within the flood plain and that the ESL regulations implement FEMA requirements at the local level. Further, it has been determined that the technical aspects of City Council Policy 600-14 have been incorporated into the Land Development Code as part of the 2000 Code update effort. Therefore, staff believes the project, including the deviation to allow a portion of the structure below the base flood elevation, is supported by the draft findings.

Appeal Issue No. 16: The appeal states that the City Engineer does not have the authority to violate FEMA regulations as stated in section on why a FEMA Variance is not merited.

Staff Response: As previously stated, FEMA recognizes the City of San Diego Land Development Code as the regulatory basis for development in the flood plain and has confirmed that the decision making body of the local agency has the authority to approve deviations consistent with the ESL regulations. The City Engineer reviewed the proposed project including the dewatering requirements and flood-proofing techniques and recommended to the decision maker that the project could be supported.

Appeal Issue No. 17: The appeal asserts that the Mitigated Negative Declaration cites FEMA Technical Bulletin 3-93 for Non-Residential structures to justify approval of sub-surface parking for a residential structure.

Staff Response: This FEMA bulletin is not referenced in the MND. As previously stated, the Technical Bulletin was cited in the previous Planning Commission report (Attachment

12) in an effort to represent how deviations can be permitted with the appropriate engineering techniques.

Appeal Issue No. 18: Appellant refers to a Local Coastal Program/CD Coastal Shoreline Development Overlay Zone (Appendix B in Ocean Beach Precise Plan) which is, "intended to provide land use regulations along the coastline area including the beaches, bluffs, and land immediately landward thereof. Such regulations are intended to be in addition and supplemental to the regulations of the underlying zone or zones, and where the regulations of the CD Zone and the underlying zone are inconsistent, THE REGULATIONS OF THE CD ZONE SHALL APPLY."

Staff Response: This Overlay Zone, intended to provide additional land use regulations along all shoreline properties, was developed as a "suggested model" ordinance as something that, "should be established" (see p. 150 of Ocean Beach Precise Plan). It was not adopted as part of the Ocean Beach Precise Plan and so does not provide any regulations that are supplemental to the regulations of the underlying zone. As such, the recommendations for Development Criteria regarding "permanent or temporary beach shelters" (p. 183) and the, "area lying seaward of the first contour line defining an elevation 15 feet above mean sea level", described by appellant, are not part of the adopted policy recommendations of the Ocean Beach Precise Plan, and should not be referenced in connection with review of this proposed project.

FISCAL CONSIDERATIONS: None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None. This action is an appeal of a Process Four Planning Commission decision to approve the project.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: The Ocean Beach Planning Board met on July 5, 2006. There were two motions presented concerning this property and neither one passed.

- The first motion was to approve the project as presented. The motion failed by a vote of 4-4-0
- The subsequent motion was to deny the project as presented due to the bulk and scale. This motion also failed by a vote of 4-4-0.

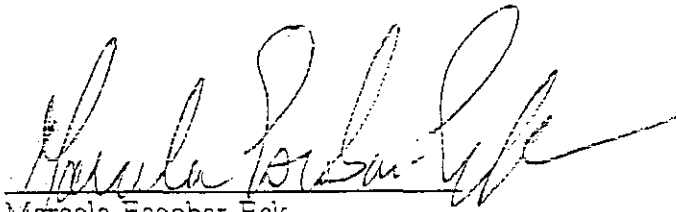
Various board members noted that the new residence would represent a significant improvement over the existing duplex, and would improve the character of the general neighborhood. In addition, the change from a duplex to a single family residence would reduce density in the area.

Various board members noted concerns about the height of the project, and that other properties on the block might be re-developed to similar heights, altering the character of the neighborhood. Their concern is that subsequent development might create a corridor of tall buildings on the block. The suggestion was to restrict the project to two stories.

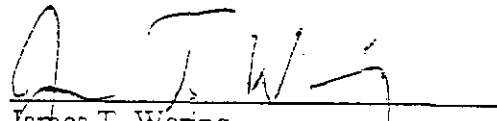
KEY STAKEHOLDER: David Stebbins, Owner/Applicant.

CONCLUSION

Staff has determined that the proposed project is consistent with the Ocean Beach precise Plan and Local Coastal Program and conforms to the applicable regulations of the Land Development Code. Staff has concluded, in consultation with a FEMA Natural Hazards Program Specialist - Mitigation Division, that the proposed deviation is permitted by local authority with an approved Site Development Permit. Further, staff concluded that the permit conditions applied to this action are appropriate and adequate to ensure that the proposed subterranean parking would not adversely affect surrounding properties. Staff determined that the design and site placement of the proposed project is appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. Staff believes the required findings can be supported as substantiated in the Findings (Attachment 8) and recommends that the City Council deny the appeal and upholds the approval of the project as conditioned.



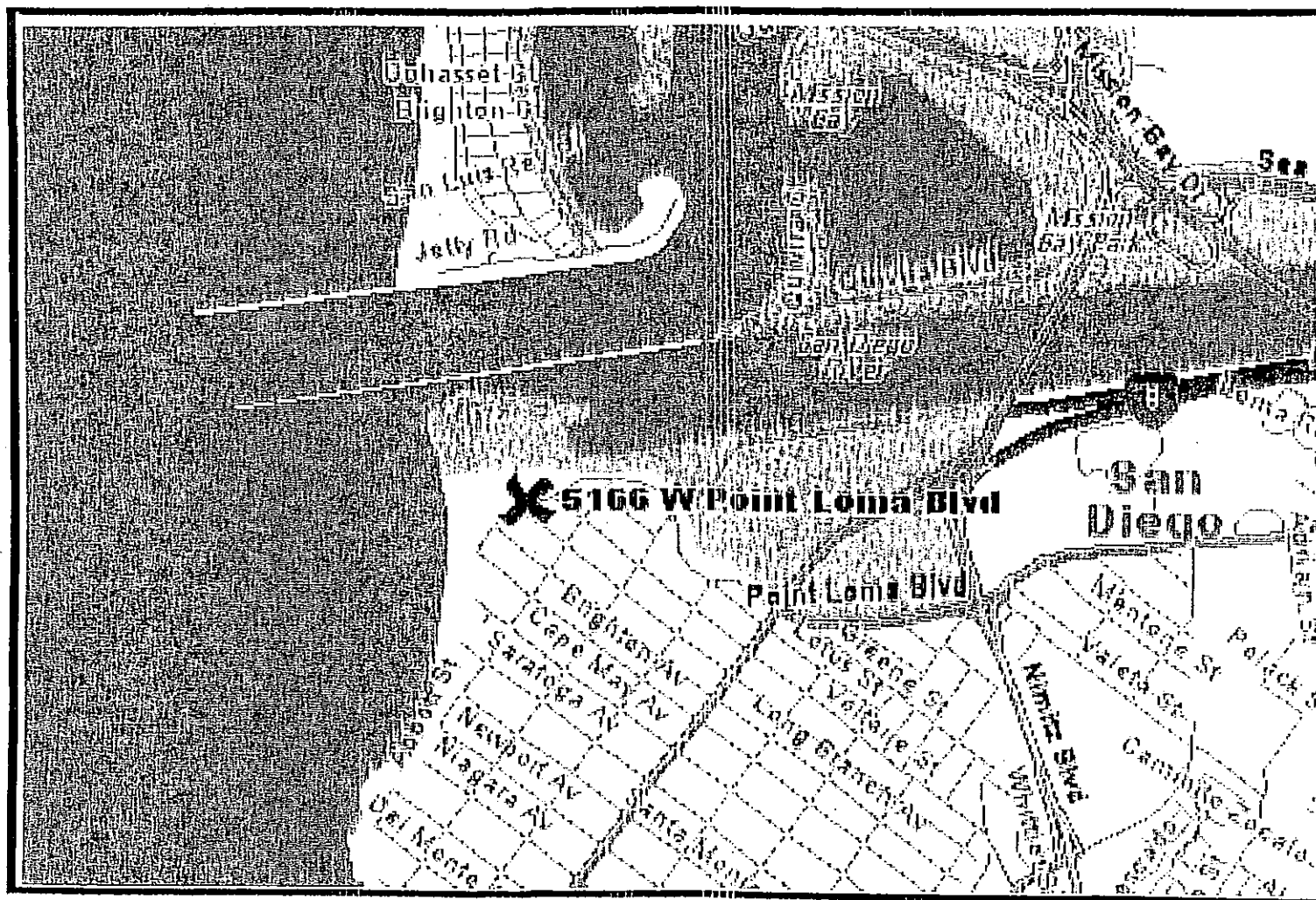
Marcela Escobar-Eck
Director
Development Services Department



James T. Waring
Deputy Chief of Land Use and
Economic Development

ATTACHMENTS:

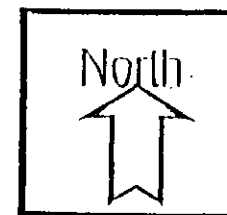
1. Location Map
2. Precise Plan Land Use Map
3. Aerial Photographs
4. Project Data Sheet
5. Project Development Plans
6. Site Photos
7. Compatible Structures in Neighborhood
8. Planning Commission Resolution of Approval
9. Proposed Draft Permit
10. Draft Environmental Resolution
11. Community Planning Group Recommendation
12. Report to the Planning Commission No. PC-07-010
13. Appeal Application (Dated March 14, 2007)
14. Ownership Disclosure Form



Project Location Map

STEBBINS RESIDENCE - PROJECT NO. 51076

5166 West Point Loma Blvd.

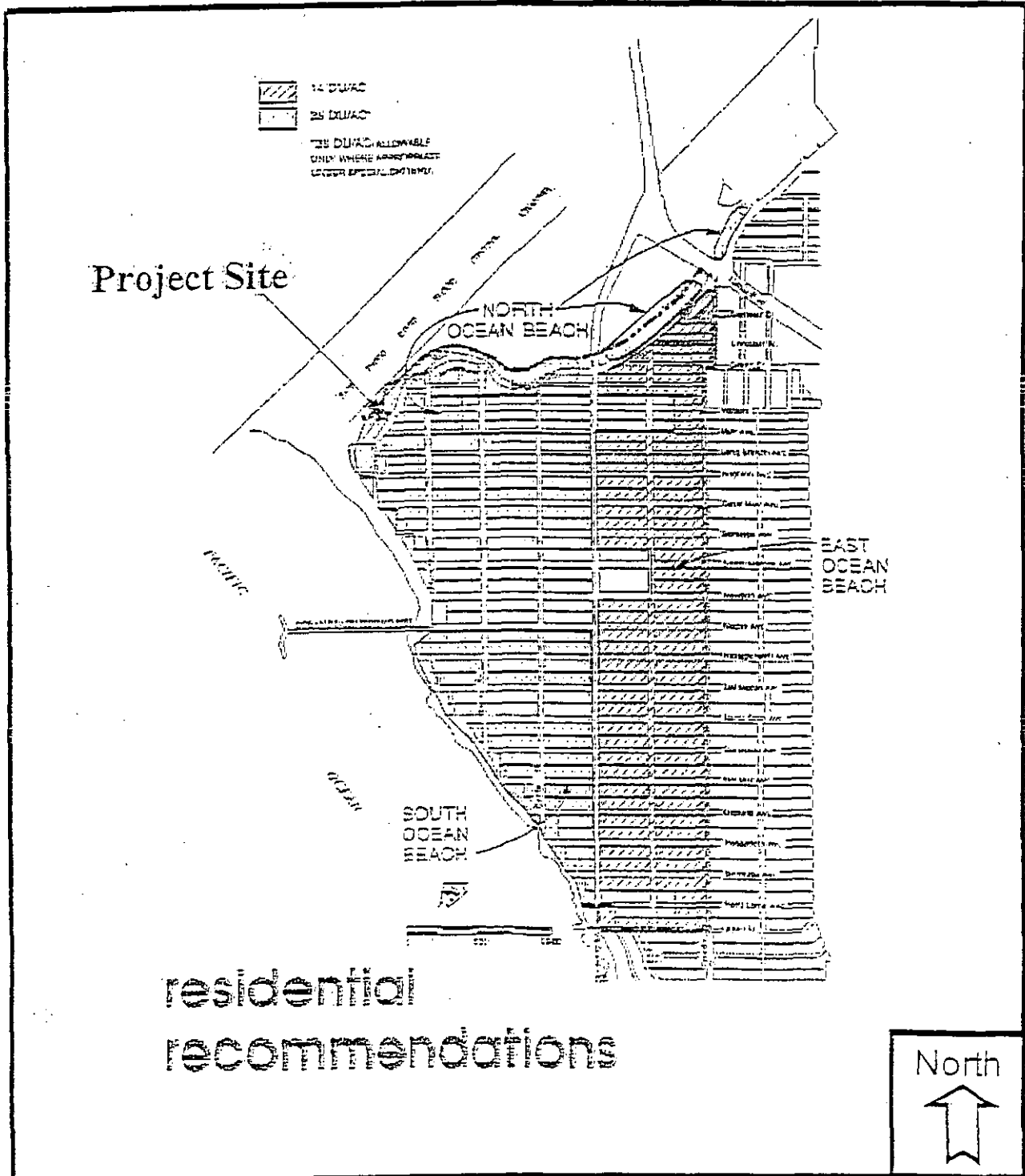




Land Use Map

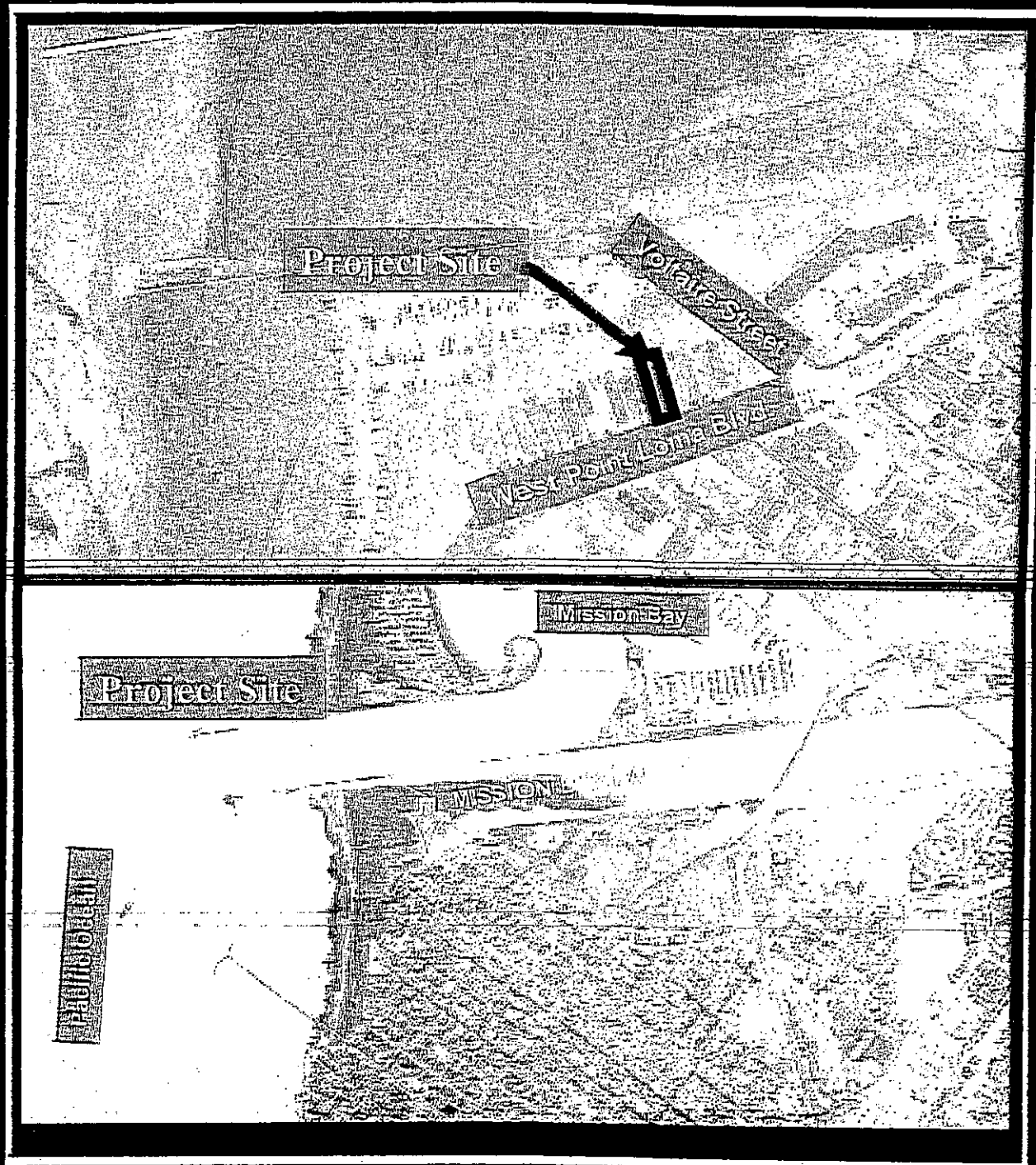
Ocean Beach: Stebbins Residence - Project No. 51076

CITY OF SAN DIEGO · DEVELOPMENT SERVICES



000937

ATTACHMENT 3



Aerial Photo

STEBBINS RESIDENCE - PROJECT NO. 51076

5166 West Point Loma Blvd. - Ocean Beach



PROJECT DATA SHEET

000939

PROJECT NAME:	Stebbins Residence	
PROJECT DESCRIPTION:	Demolition of an existing one-story duplex, and the construction of a new 1,749 square-foot, three-story single family residence above a 816 square-foot basement garage, on a 2,500 square-foot site, including a request for a deviation from the regulations for Special Flood Hazard Areas.	
COMMUNITY PLAN AREA:	Ocean Beach Community	
DISCRETIONARY ACTIONS:	Coastal Development Permit, Site Development Permit and Deviations from the Environmentally Sensitive Lands Regulations.	
COMMUNITY PLAN LAND USE DESIGNATION:	Multi-Family Residential (Allows residential development up to 25 dwelling units per acre).	
	<u>ZONING INFORMATION:</u>	
ZONE:	RM-2-4 Zone (A multi-unit residential zone allowing 1 dwelling unit per 1,750 square feet of lot area).	
HEIGHT LIMIT:	30 feet (Coastal Height Limit Overlay Zone) allowed; 29 feet 11 inches proposed.	
LOT SIZE:	6,000 square feet minimum; 2,500 square feet existing.	
FLOOR AREA RATIO(FAR):	0.70 with 25% reserved for enclosed parking unless the parking is underground; 0.69 is proposed with underground parking.	
FRONT SETBACK:	20 feet standard; 15 feet minimum is required; 22 feet standard and 18 feet minimum is proposed.	
SIDE SETBACK:	3 feet for less than 40 foot wide lots is required; 3 feet 1 inch and 3 feet 2 inches are proposed.	
STREETSIDE SETBACK:	N/A	
REAR SETBACK:	15 if not adjacent to an alley is required; 15 feet with a balcony encroachment is proposed.	
PARKING:	2 parking spaces required / 2 parking spaces proposed	
ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Multiple Family; RM-2-4	Parking Lot and Public Park

000940

SOUTH:	Multiple Family; RM-2-4	Multiple Family residential
EAST:	Multiple Family; RM-2-4	Multiple Family residential
WEST:	Multiple Family; RM-2-4	Parking Lot and Pacific Ocean
DEVIATIONS OR VARIANCES REQUESTED:	This project requesting a deviation from the Supplemental Regulations for Special Flood Hazard Area (SFHA) to allow development of the residential structure, to be at 7.1 feet below the Base Flood Elevation and meet the flood proofing requirements of FEMA where two (2) feet above the Base Flood Elevation is required.	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On July 5, 2006, the project was presented to the Ocean Beach Community Planning Committee. There were two motions made concerning the project and neither one passed (4-4-0). The Ocean Beach Community Planning Committee therefore made no recommendation.	

000942

ATTACHMENT 5

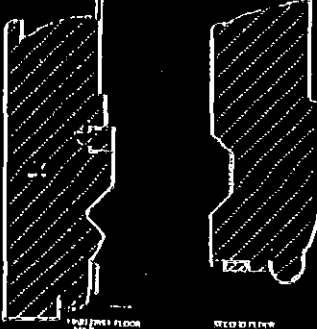
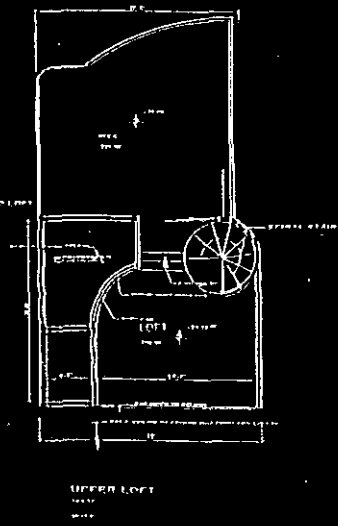
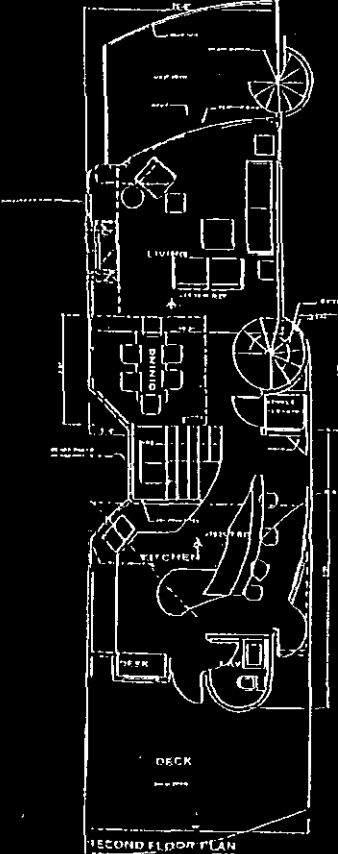
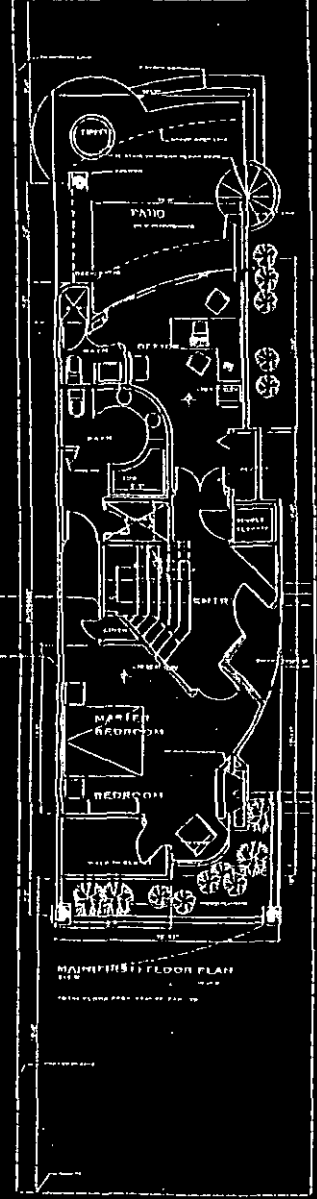
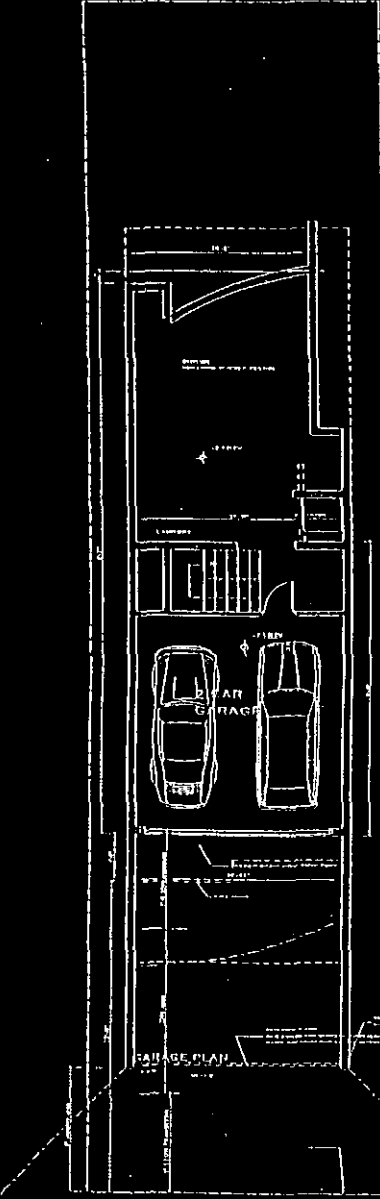


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Architectural and Planning
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STEBBINS RESIDENCE

A-1



SIMPLE ELEVATION
DIAGRAMS



STEBBINS RESIDENCE
1000 WEST 10TH AVE
SAN DIEGO, CA 92107

DATE OF PRELIMINARY PLANS: 8.22.01

REVISIONS

1. 10.1.01

2. 10.1.01

3. 10.1.01

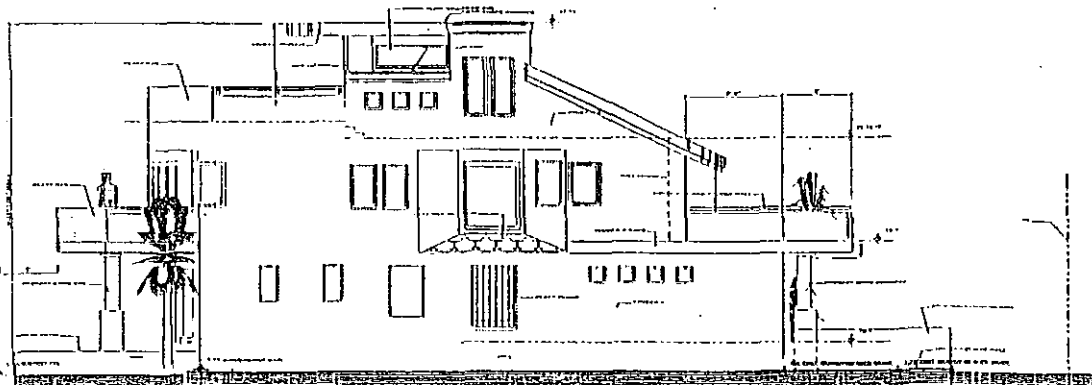


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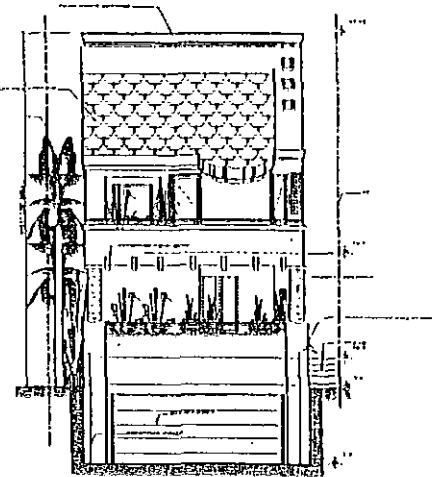
STEEBINS RESIDENCE

A-2

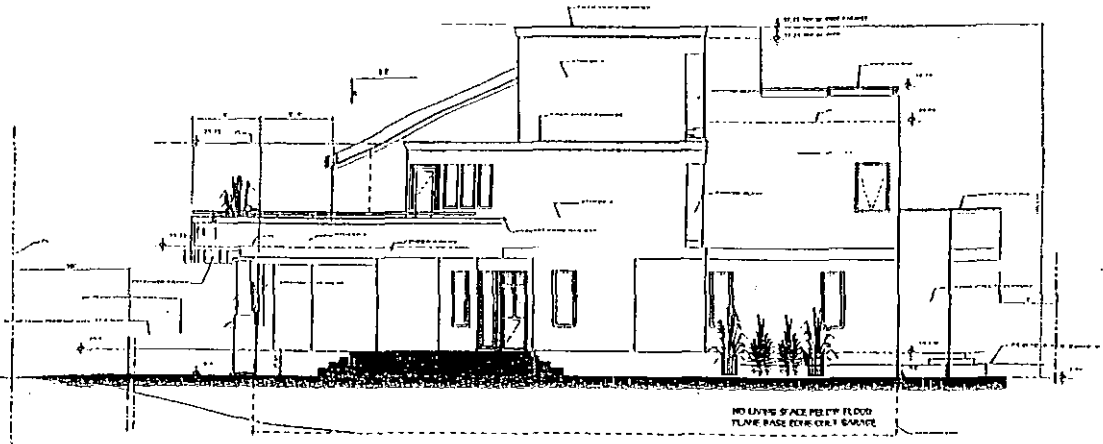


SIDE (SOUTH) ELEVATION

ALL WINDOWS SHOWN ARE EXISTING/PROPOSED
NO SHOWN GLASS IS PROPOSED

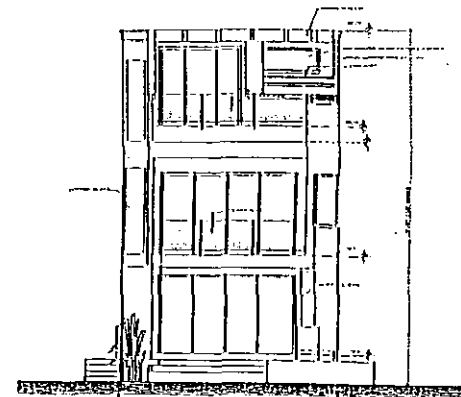


FRONT (EAST) ELEV.

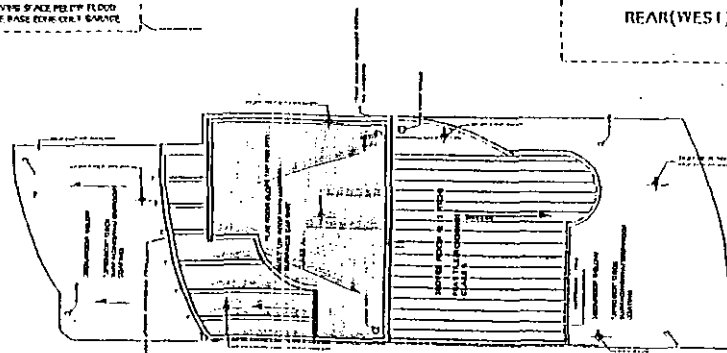


SIDE (NORTH) ELEVATION

NO LIVING SPACE PERMITTED
FLAME BASE FOR CRYSTAL CHAIRS



REAR (WEST) ELEVATION



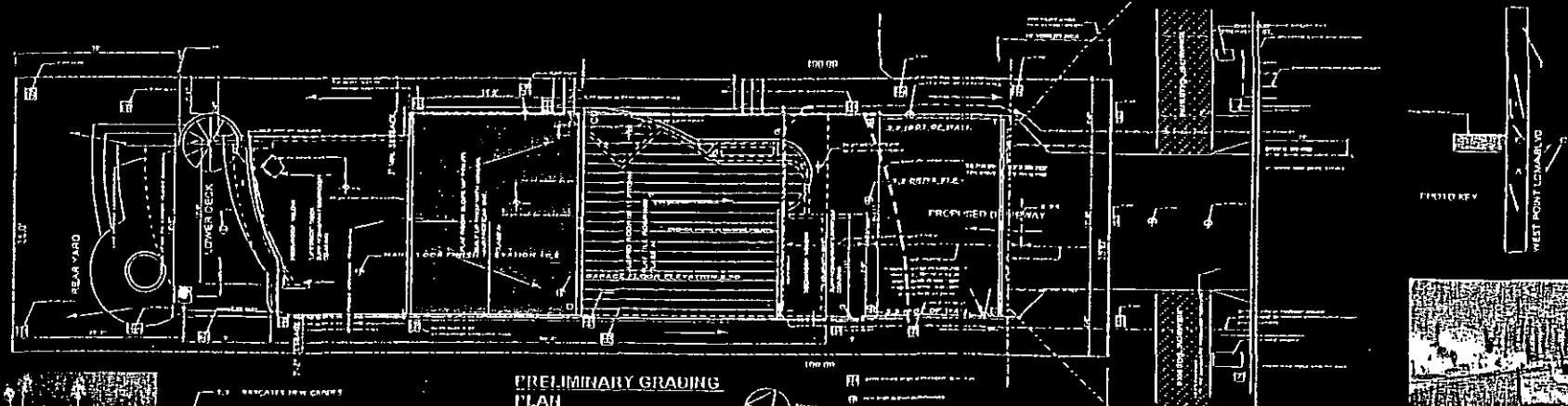
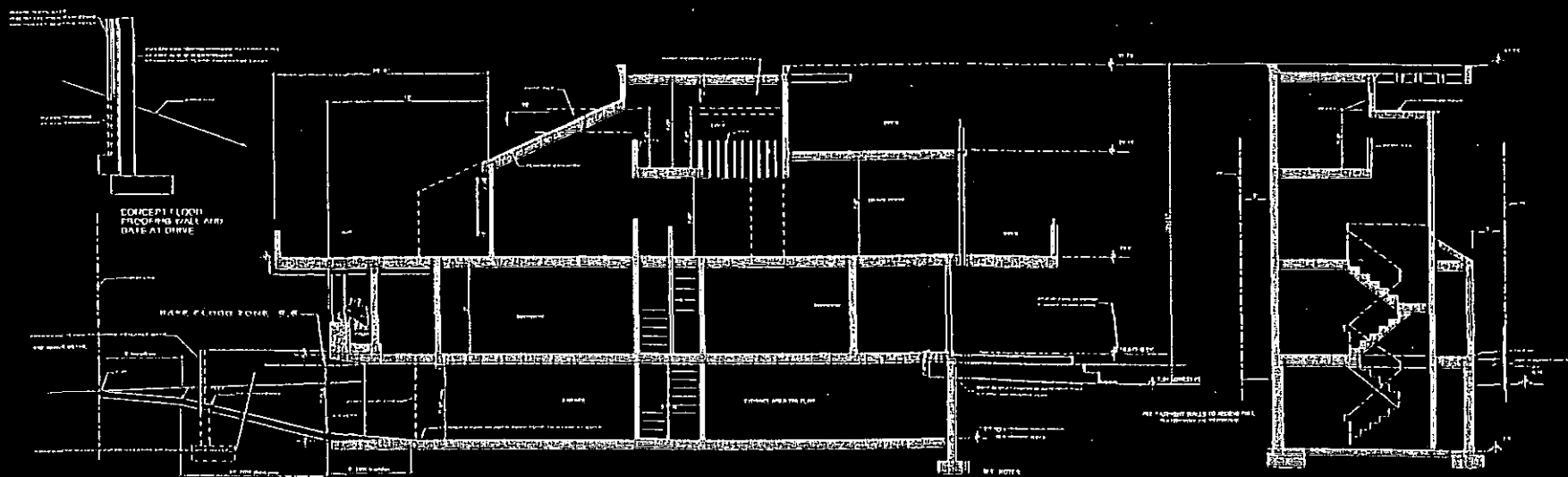
ROOF PLAN

04" = 1'-0"

STEEPNESS OF THE ROOF LINE:
5:12 (12" RISE TO 5" RUN)
SHOWN FOR ALL ROOFS
DATE OF CONSTRUCTION PLANS: 06-28-01

APPROVED BY:
[Signature]

DATE: 06-28-01



ADJACENT/SURROUNDING DEVELOPMENT PHOTOS



STONEROCK STUDIO
Architecture
1000 10th Ave. N.E.
Seattle, WA 98108
206.461.1000
stonerockstudio.com

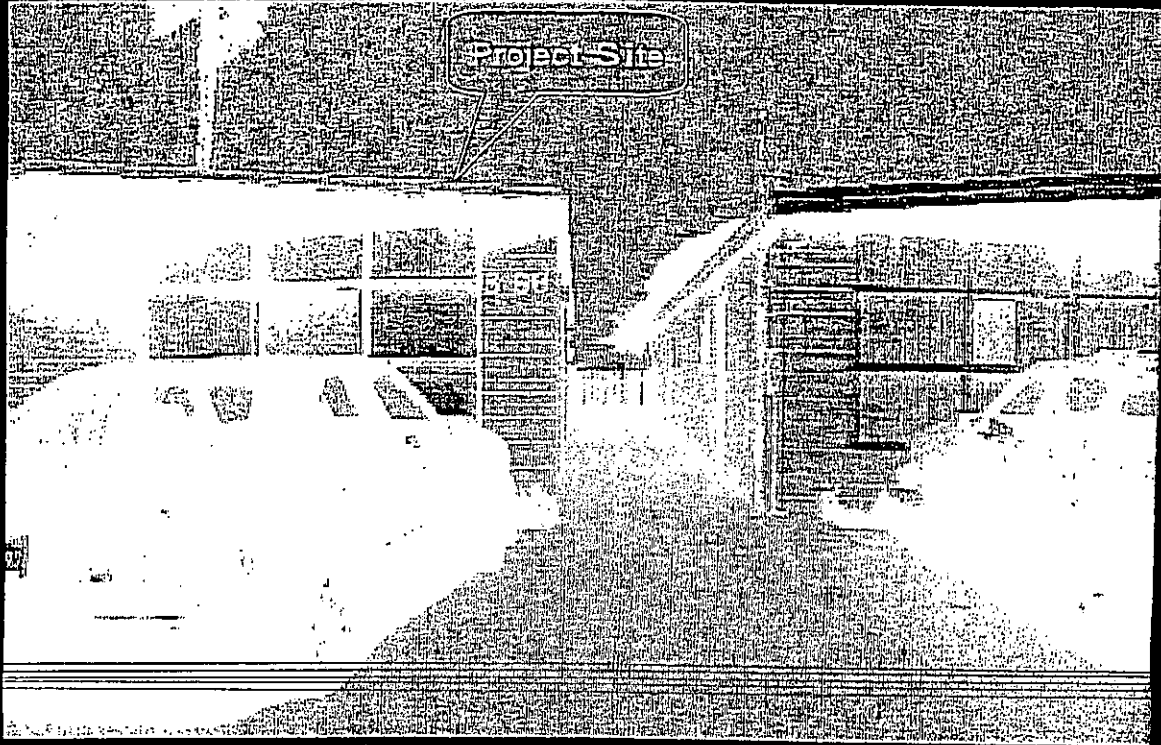


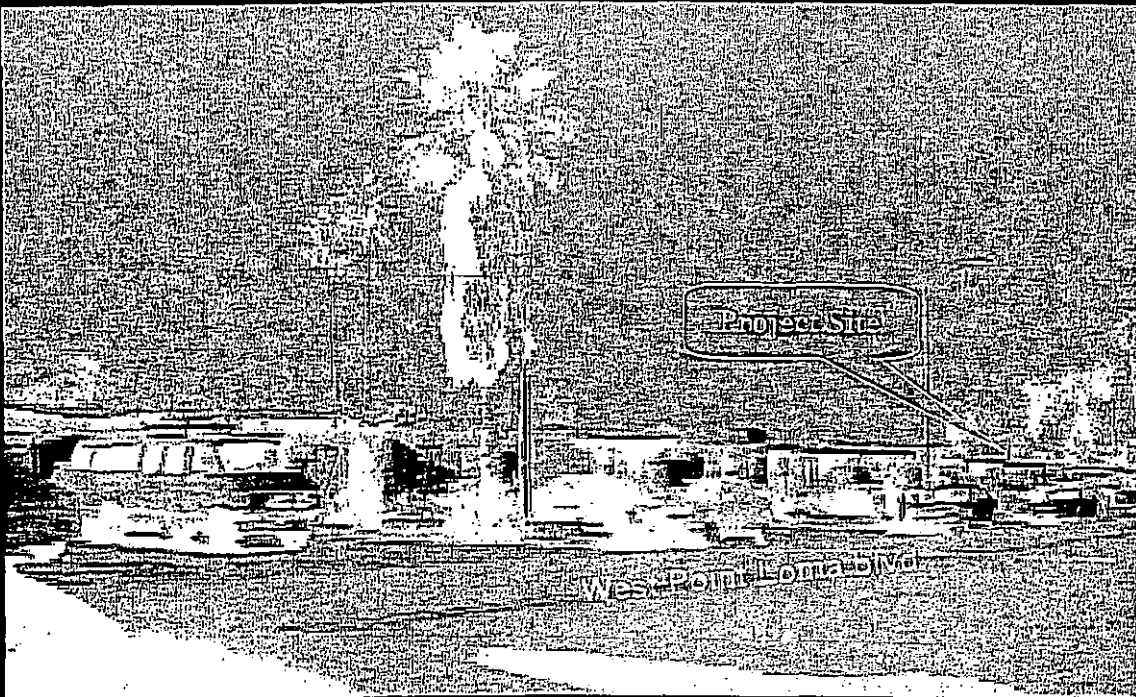
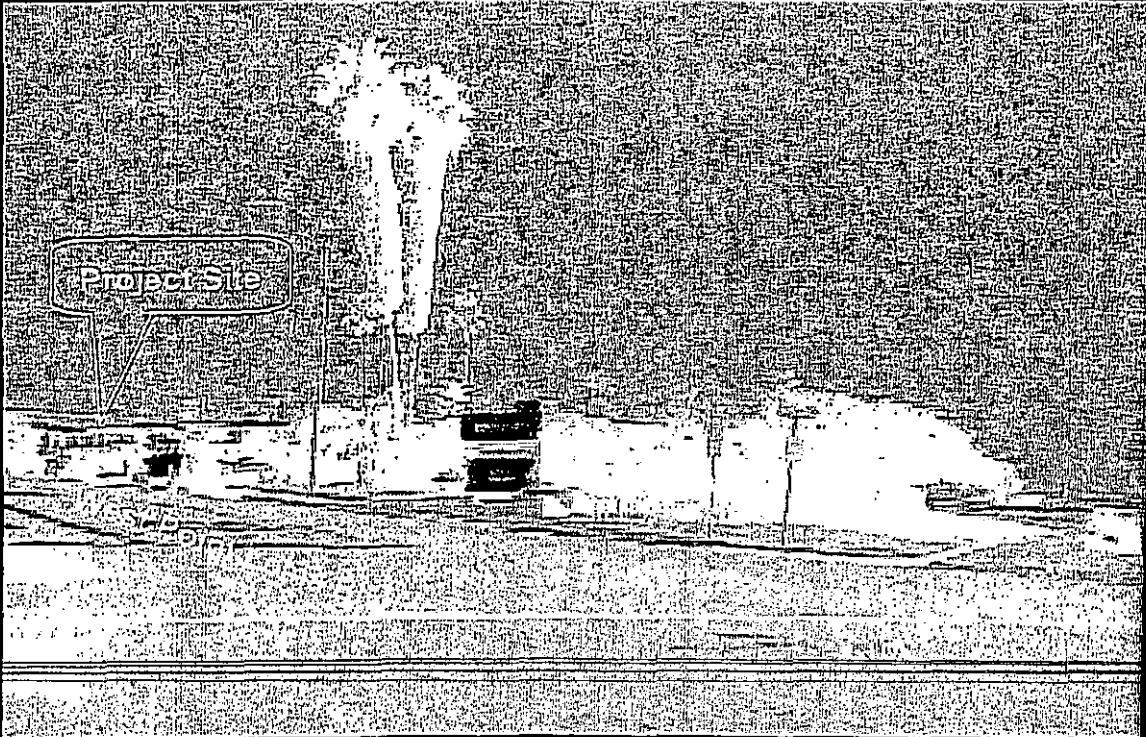
STEBBINS RESIDENCE

STEBBINS RESIDENCE
544 WEST 10TH AVE
SAN JOSE, CA 95128
DATE OF GRADING PLAN: 6.26.15

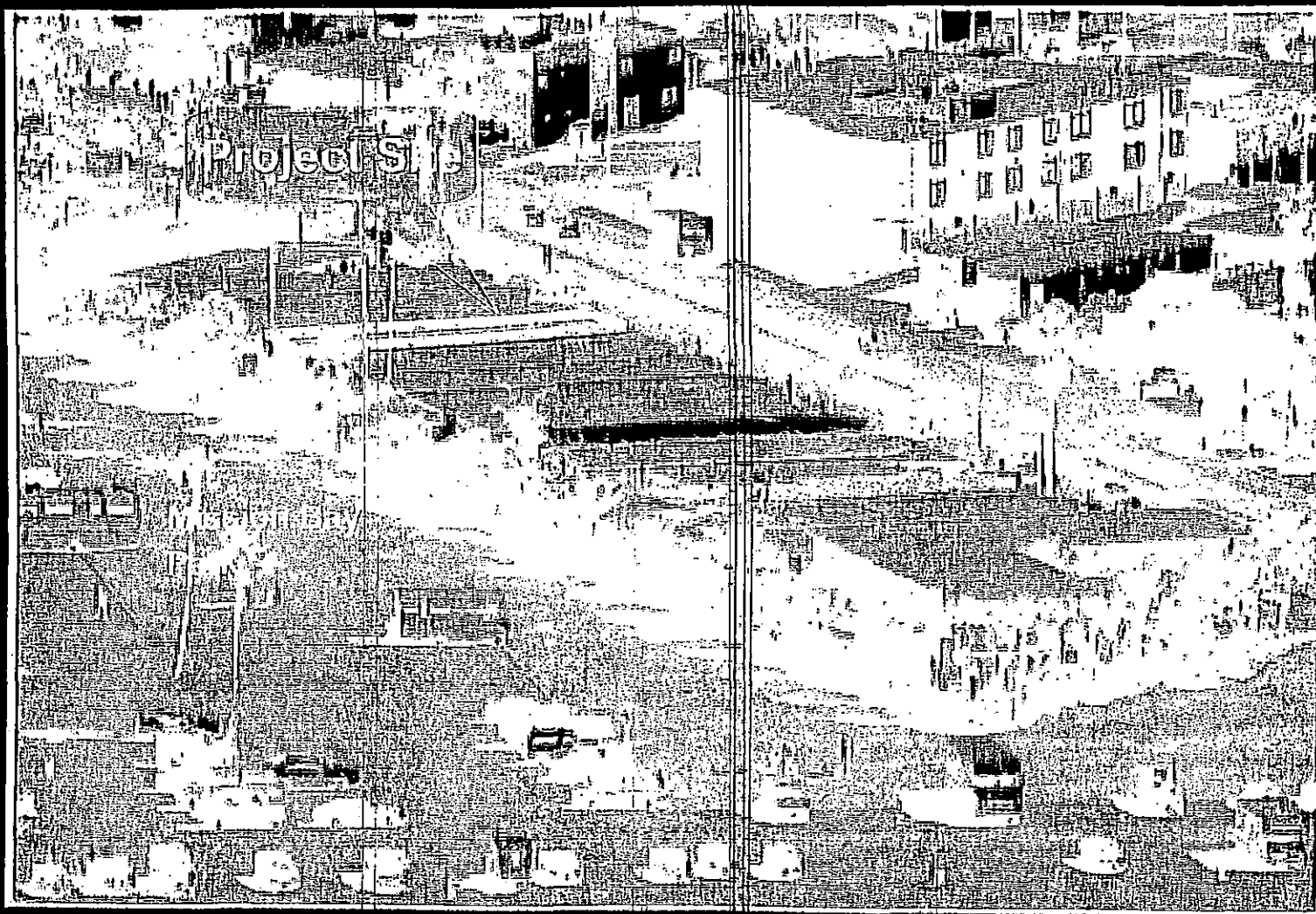
BY: [Signature]
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A-3





000947



Compatible Structures in Neighborhood

STEBBINS RESIDENCE - PROJECT NO. 51076

5166 West Point Loma Blvd.



ATTACHMENT 7

PLANNING COMMISSION
RESOLUTION NO. 4227-PC
COASTAL DEVELOPMENT PERMIT NO. 147134
SITE DEVELOPMENT PERMIT NO. 389939
STEBBINS RESIDENCE [MMRP]

WHEREAS, DAVID STEBBINS, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish an existing one-story duplex, and construct a new, three-story single family residence above basement garage (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permits No. 147134 and 389939), on portions of a 0.057-acre site;

WHEREAS, the project site is located at 5166 West Point Loma Boulevard in the RM 2-4 Zone, Coastal Overlay Zone (appealable-area), Coastal Height Limit Overlay Zone, First Public Roadway, Beach Parking Impact Overlay Zone, Airport Approach Overlay Zone, Airport Environs Overlay Zone, and the 100-year Flood-plain Overlay Zone, within the Ocean Beach Precise Plan and Local Coastal Program Land Use Plan;

WHEREAS, the project site is legally described as Lot 14, Block 90 of Ocean Bay Beach Map No. 1189;

WHEREAS, on March 1, 2007, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 147134, and Site Development Permit No. 389939, pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated March 1, 2007.

FINDINGS:

Coastal Development Permit - Section 126.0708

1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

All development would occur on private property, and would be within the 30-foot coastal height limit. Additionally, the proposed project will not encroach upon any adjacent existing physical access way used by the public nor will it adversely affect any proposed physical public accessway identified in the Local Coastal Program Land Use Plan. The subject property is not located within or near any designated public view corridors. Accordingly, the proposed project will not

impact any public views to or along the ocean or other scenic coastal areas as specified in the Local Coastal Program land use plan.

2. The proposed coastal development will not adversely affect environmentally sensitive lands.

The project requires a Site Development Permit due to the presence of Environmentally Sensitive Lands. The project proposes the demolition of an existing one-story, duplex and the construction of a new three-story above basement single family residence. The City of San Diego conducted a complete environmental review of this site. A Mitigated Negative Declaration has been prepared for this project in accordance with State of California Environmental Quality Act (CEQA) guidelines, which preclude impact to these resources and Mitigation Monitoring and Reporting Program (MMRP) would be implemented to reduce potential historical resources (archaeology) impacts to a level below significance. Mitigation for archaeology was required as the project is located in an area with a high potential for subsurface archaeological resources. The project site is a relatively flat contains an existing structure, which is located approximately 8 feet above mean sea level (AMSL). The project site is not located within or adjacent to the Multi-Habitat Planning Area (MHPA) of the City's Multiple Species Conservation Program. The project site is located within an existing urbanized area. The proposed project was found to not have a significant effect on the environment. Therefore, the proposed coastal development will not adversely affect environmentally sensitive lands.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

City staff has reviewed the proposed project for conformity with the Local Coastal Program and has determined it is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted Ocean Beach Precise Plan and Local Coastal Program Land Use Plan which identifies the site for multi-family residential use at 15-25 dwelling units per acre, the project as proposed would be constructed at 17 dwelling units per acre.

The proposed development is to demolish an existing one-story, duplex and construct a new three-story above basement garage. The new structure will be constructed within the 100 Year Floodplain (*Special Flood Hazard Area*), and has a Base Flood Elevation of 9.6 feet mean sea level. The restrictions on development within the floodplain require that the lowest floor, including basement to be elevated at least 2 feet above the base flood elevation in accordance with San Diego Municipal Code (SDMC) section §143.0146(C)(6), while the Federal Emergency Management Agency (FEMA) requires that the finished floor elevation be at one or more feet above the base flood elevation (BFE). This project is requesting a Site Development Permit to allow a deviation to permit development of the residential structure, to be at 7.1 feet below the Base Flood Elevation.

Staff supports the proposed deviation due to the development limitations of the site and the flood-proofing conditions that would be applied to the permit to construct the lower level below

the Base Flood Elevation. The deviation request will not increase the overall structure height, mass, and setbacks.

The proposed development is located in an area designated as being between the first public road and the Pacific Ocean, therefore views to the ocean shall be preserved. A visual corridor of not less than the side yard setbacks will be preserved to protect views toward Dog Beach and the San Diego River. In addition, this area is not designated as a view corridor or as a scenic resource. Public views to the ocean from this location will be maintained and potential public views from the first public roadway will not be impacted altered by the development. Accordingly, the proposed project will not impact any public views to or along the ocean or other scenic coastal areas. The project meets the intent of the guidelines for the Coastal Overlay and Coastal Height Limitation Overlay zones, and the Ocean Beach Precise Plan and Local Coastal Program Addendum. Therefore, the proposed coastal development would conform with the certified Local Coastal Program land use plan and, with an approved deviation, comply with all regulations of the certified Implementation Program.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The proposed development is to demolish an existing one-story, duplex and construct a new three-story above basement garage. The subject property is designated as being between the first public road and the Pacific Ocean within the Coastal Overlay Zone.

The proposed project site backs up to and is adjacent to the Ocean Beach Park, designated in the Local Coastal Program as a public park and recreational area. Public access to the park area is available at the end of Voltaire Street and West Point Loma Boulevard. All development would occur on private property; therefore, the proposed project will not encroach upon the existing physical access way used by the public. Adequate off-street parking spaces will be provided on-site, thereby, eliminating any impacts to public parking. The proposed coastal development will conform to the public access and public recreation policies of Chapter 3 of the California Coastal Act.

Site Development Permit - Section 126.0504(a)

1. The proposed development will not adversely affect the applicable land use plan;

The proposed development is to demolish an existing one-story, duplex and construct a new three-story above basement garage. The project is within the 100-year floodplain, and is therefore within the Environmentally Sensitive Lands, requiring a Site Development Permit for the deviation to the Special Flood Hazard Area, per the City's Environmentally Sensitive Lands Regulations (SDMC Section 143.0110 Table 143-01A). The project is located in the appealable Coastal Overlay Zone requiring a Coastal Development Permit. The proposed development is located between the shoreline and the first public roadway; therefore views to the ocean shall be preserved. This project is located in the RM-2-4 Zone. The RM-2-4 Zone permits a maximum

density of 1 dwelling unit for each 1,750 square feet of lot area. The project is in conformance with the underlying zoning, and conforms to the required floor area ratio, parking and setbacks. The proposed development will adhere to the required yard area setbacks pursuant to the Land Development Code. A Deed Restriction is a condition of approval to preserve a visual corridor of not less than the side yard setbacks, in accordance with the requirements of San Diego Municipal Code Section 132.0403(b). The building will be under the maximum 30-foot Coastal Height Limit allowed by the zone.

The proposed project meets the intent, purpose, and goals of the underlying zone, and the Ocean Beach Precise Plan and Local Coastal Program Addendum. Therefore, the proposed development will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare;

The proposed development is to demolish an existing one-story, duplex and construct a new 1,749 square-foot, three-story single-family dwelling unit above an 819 square-foot basement garage resulting in a 2,565 square-foot structure, hardscape, landscape on a 2,500 square-foot site. The present units to be demolished may contain asbestos and lead-based paint and it could potentially pose a risk to human health and public safety. All demolition activities must be conducted in accordance with the San Diego County Air Pollution Control District (SDAPCD) and the California Code of Regulations Title 8 and 17 regarding the handling and disposal of asbestos-containing materials and lead-based paints. Therefore, special procedures during demolition shall be followed. As a condition of the permit, Notice is to be provided to the Air Pollution Control District prior to demolition. Failure to meet these requirements would result in the issuance of a Notice of Violation.

The permit as conditioned, shall floodproof all structures subject to inundation. The floodproofed structures must be constructed to meet the requirements of the Federal Insurance Administration's Technical Bulletin 3-93. The permit conditions added, to flood-proof the basement garage to the required height above grade, have been determined necessary to avoid potentially adverse impacts upon the health, safety and general welfare of persons residing in the area. All site drainage from the proposed development would be directed away from the adjacent properties into existing public drainage system located on West Point Loma Boulevard via a sump pump and sidewalk underlain.

Based on the above, human health and public safety impacts due to the demolition of the existing structure on site would be below a level of significant, and a Notice to the SDAPCD is required and would be added as a permit condition. Therefore, the proposed development will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code;

The proposed development includes the demolition of an existing single-level, 1,250 square-foot duplex residence and construction of a new 1749 square-foot three-level single dwelling unit

with a subterranean parking garage. The project area is mapped within the 100 Year Floodplain (*Special Flood Hazard Area*), and has a Base Flood Elevation of 9.6 feet mean sea level. The restrictions on development within the floodplain require that the lowest floor, including basement to be elevated at least 2 feet above the base flood elevation in accordance with San Diego Municipal Code (SDMC) section §143.0146(C)(6), while the Federal Emergency Management Agency (FEMA) requires that the finished floor elevation be at one or more feet above the base flood elevation (BFE), which would effectively render the ground floor uninhabitable for most properties in this area. In addition, the lot is sub-standard in that it is only 2,500 square feet in area where the minimum lot size allowed by the zone is 6,000 square feet. Additionally, the RM-2-4 zone requires that 25 percent of FAR be utilized for parking, unless the parking is provided underground. Therefore, the project is requesting a deviation to allow development of the residential structure, to be at 7.1 feet below the Base Flood Elevation. All structures subject to inundation shall be flood-proofed, and must be constructed to meet the requirements of the Federal Insurance Administration's Technical Bulletin 3-93.

An approved Site Development Permit would allow the deviation and would be consistent with the Land Development Code. Thus, the proposed project meets the intent, purpose, and goals of the underlying zone, and the Ocean Beach Precise Plan and Local Coastal Program Addendum, and complies to the maximum extent feasible with the regulations of the Land Development Code. Therefore, the proposed development will not adversely affect the applicable land use plan.

Supplemental Findings. Environmentally Sensitive Lands(b)

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands;

The project site is immediately south of the San Diego River mouth outfall at the Pacific Ocean and located within the 100 year floodplain and is therefore considered environmentally sensitive land, requiring a Site Development Permit for the deviation to the Special Flood Hazard Area. However, the previous site grading and construction of the existing duplex have completely disturbed the site. The property is relatively flat and does not include any sensitive topographical or biological resources. The site is neither within nor adjacent to Multi-Habitat Planning Area (MHPA) lands. A Mitigated Negative Declaration dated November 2, 2006, has been prepared for this project in accordance with State CEQA guidelines, and a Mitigation, Monitoring and Reporting Program is required for Archaeological Resources to reduce any potential impacts to below a level of significance.

A geotechnical analysis was prepared to address the liquefaction issue. This report concluded that the site is considered suitable for the proposed development provided the conditions in the Geotechnical Investigation Report are implemented. Therefore, the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

2. The proposed development will minimize the alteration of land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards;

The proposed project will be sited on a 2,500 square-foot, developed lot. The majority of the site is relatively flat at 8 feet above MSL across an approximately 25 foot x 100 foot lot. The proposed development surrounded by existing residential development, within a seismically active region of California, and therefore, the potential exists for geologic hazards, such as earthquakes and ground failure. Proper engineering design of the new structures would minimize potential for geologic impacts from regional hazards.

On site grading would occur for excavation of the building foundation and basement. The subterranean garage, which would have a depth of 6 feet below existing grades, would be at least two feet below the high groundwater table. However, the subject site is no greater danger from flooding than the adjacent, already developed sites and the proposed design mitigates potential flood related damage to the principal residential structure by raising the required living space floor area above the flood line per FEMA requirements, and flood-proof all structures subject to inundation in accordance with Technical Bulletin 3-93 of the Federal Insurance Administration. Therefore, the proposed development will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands;

The project site is within the 100 year floodplain and is therefore considered environmentally sensitive land. However, the previous site grading and construction of the existing duplex have completely disturbed the site. The property is relatively flat with an elevation of 8 feet above mean sea level and does not include any sensitive topographical or biological resources. The site is neither within nor adjacent to Multi-Habitat Planning Area (MHPA) lands. A Mitigated Negative Declaration dated November 2, 2006, has been prepared for this project in accordance with State CEQA guidelines, and a Mitigation, Monitoring and Reporting Program is required for Archaeological Resources to reduce any potential impacts to below a level of significance. Thus, with the implementation of the conditions in the Geotechnical Investigation the proposed project should not adversely affect environmentally sensitive lands.

4. The proposed development will be consistent with the City of San Diego's Multiple species Conservation Program (MSCP) and subarea plan;

The project proposes the demolition of the existing duplex and construction of a three-level single dwelling unit with a subterranean parking garage. The project site is south of, but not adjacent to, the Multiple Species Conservation Program (MSCP), Multiple Habitat Planning Area (MHPA) of the San Diego River floodway. Therefore, the project does not need to show consistency with Multiple Species Conservation Program Subarea Plan.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply; and

The subject property is located approximately 450 feet away from the edge of the public beach, and is separated from the shoreline by a city parking lot. All site drainage from the proposed development would be directed away from the adjacent properties into existing public drainage system located on West Point Loma Boulevard via a sump pump and sidewalk underdrain. Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

The project proposes the demolition of the existing duplex and construction of a three-level single dwelling unit with a subterranean parking garage. An environmental analysis was performed and Mitigated Negative Declaration (MND) No. 51076 was prepared, which would mitigate potentially significant archaeological resource impacts to below a level of significance. The MND also discusses the location of the project being within the 100-year floodplain of the San Diego River according to the Federal Emergency Management Agency (FEMA) map. The permit and MMRP prepared for this project include conditions, environmental mitigation measures, and exhibits of approval relevant to achieving compliance with the applicable regulations of the Municipal Code in effect for this project. These conditions have been determined necessary to avoid potentially adverse impacts upon the health, safety and general welfare of persons residing or working in the area. These conditions include requirements pertaining to landscape standards, noise, lighting restrictions, public view, public right of way improvements, flood-proofing the structure and raising the habitable space above flood line, which provides evidence that the impact is not significant or is otherwise mitigated to below a level of significance. Therefore, the nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

Supplemental Findings. Environmentally Sensitive Lands Deviations(c)

1. There are no feasible measures that can further minimize the potential adverse affects on environmentally sensitive lands; and

The project area is mapped within the 100-year floodplain and the restrictions on development within the floodplain require that the first floor be 2 feet above the base flood elevation. The sub-standard lot of 2,500 square feet is less than 42% of the minimum area required for a legal lot in the RM-2-4 zone. These conditions and the fact that 25 percent of the 0.70 floor area ratio (FAR) allowed by the zone is required to be used for parking, unless the parking is provided underground, led the applicant to provide an underground garage that will be flood proofed according to the requirements of the Federal Emergency Management Agency (FEMA) in order to avoid having part of the ground floor level devoted to parking, which, in turn, would have drastically reduced habitable space. The project proposal includes a modest increase in square footage from 1,250 to 1,749 and to allow for development to be below the base flood elevation. Raising the finished floor elevation two feet above the BFE will not change the situation with

regard to any adverse effects. The property is protected by a levee from floods that may come from the San Diego River. Any flooding would be of a low velocity and shallow and more likely from run off from the hill above Ocean Beach than from the river or the ocean.

Building the structure below the BFE or two-feet above, will not have implications to environmentally sensitive lands, therefore there are no feasible measures that can further minimize the potential adverse affects on environmentally sensitive lands.

2. The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making

The proposed development is taking place within the 100 Year Floodplain (*Special Flood Hazard Area*), and the proposed new development is not in conformance with SDMC section §143.0146(C)(6) which requires a development within a *Special Flood Hazard Area* to have the lowest floor, including basement, elevated at least 2 feet above the base flood elevation. The Federal Emergency Management Agency (FEMA) requires that the finished floor elevation be at one or more feet above the base flood elevation (BFE). This project is requesting a deviation to allow development of the residential structure, to be at 7.1 feet below the Base Flood Elevation. The subterranean garage, which would have a depth of 6 feet below existing grades, would be at least two feet below the high groundwater table. However, all structures subject to inundation shall be flood-proofed and meet the requirements of the Federal Insurance Administration's Technical Bulletin 3-93. The proposed basement parking area is the minimum necessary to exclude the parking from the FAR, to allow for a reasonably sized residence on this sub-standard lot. In addition, the applicant states that there is hydrological evidence that flooding if any that may occur in a 100 years flood event would be minor and easily handled by the proposed flood proofing. The property is protected by a levee from floods that may come from the San Diego River. Flooding in this area would be due to lack of capacity of the storm water system. Flooding in a 100 year event in this area is very low velocity (ponding only) does not come from the river or the beach as is commonly believed but from run off from the streets on the hill above ocean beach. Additionally, there is evidence that recent and significant storm water repairs in this area should significantly reduce the already low risk. The proposed BFE will not have an adverse effect on environmentally sensitive lands and provide the minimum necessary to afford relief from special circumstances or conditions of the land.

Supplemental Findings. Environmentally Sensitive Lands Deviation from Federal Emergency Management Agency Regulations(d)

1. The City engineer has determined that the proposed development, within any designated floodway will not result in an increase flood levels during the base flood discharge;

The proposed development including the flood-proofed basement garage is taking place within the 100 Year Floodplain and not within the Floodway. Therefore, this finding is not applicable to the subject project.

2. The City engineer has determined that the deviation would not result in additional threats to the public safety, extraordinary public expense, or create a public nuisance.

The proposed development is to demolish an existing one-story, duplex and construct a new 1,749 square-foot, three-story single-family dwelling unit above an 819 square-foot basement garage. The permit as conditioned, shall flood-proof all structures subject to inundation. The owner shall bear all costs of flood-proofing, and there will be no expense to the city.

The City Engineer has determined that the deviation to allow the structure to be built under the BFE rather than 2'-0" above as required by the Land Development Code will not cause an increase in the flood height. The elevation requirement of the Land Development Code is for the protection of the structures and its contents. Lessening that requirement does not result in additional threats to public safety, extraordinary public expense, or create a public nuisance.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 147134 and Site Development Permit No. 389939 are hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 147134/389939, a copy of which is attached hereto and made a part hereof.



LAILA ISKANDAR
Development Project Manager
Development Services

Adopted on: March 1, 2007

Job Order No. 42-3454

cc: Legislative Recorder, Planning Department

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-3454

COASTAL DEVELOPMENT PERMIT NO. 147134
SITE DEVELOPMENT PERMIT NO. 389939
STEBBINS RESIDENCE [MMRP] - PROJECT NO. 51076
CITY COUNCIL

This Coastal Development Permit No. 147134 and Site Development Permit No. 389939 are granted by the City Council of the City of San Diego to DAVID STEBBINS, AN INDIVIDUAL, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0708, and 126.0504. The 0.057-acre project site is located at 5166 West Point Loma Boulevard in the RM 2-4 Zone, Coastal Overlay Zone (appealable-area), Coastal Height Limit Overlay Zone, First Public Roadway, Beach Parking Impact Overlay Zone, Airport Approach Overlay Zone, Airport Environs Overlay Zone, and the 100-year Flood-plain Overlay Zone, within the Ocean Beach Precise Plan and Local Coastal Program Land Use Plan (LCP). The project site is legally described as Lot 14, Block 90 of Ocean Bay Beach Map No. 1189.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish an existing one-story duplex, and construct a new, three-story single family residence above basement garage, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 22, 2007, on file in the Development Services Department.

The project shall include:

- a. The demolition of an existing one-story duplex;
- b. Construction of a 1,749-square-foot, three-story single family residence above 816 square-foot basement garage consisting of:
 - 1) 1,749-square-foot of habitable living area.
 - 2) 816-square-foot, basement garage and storage area.

- b. 3) 619-square-foot decks and 250-square-foot first floor patio.
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Deviation to the Special Flood Hazard Area regulations as follows:
 - Allow development of the residential structure, to be at 7.1 feet below the Base Flood Elevation where two (2) feet above the Base Flood Elevation is required.
- e. Off-street parking;
- f. The construction of six-foot high retaining walls along the sides of the proposed subterranean garage.
- g. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action following all appeals.
3. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.

5. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
9. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project.
12. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in MITIGATED NEGATIVE DECLARATION, NO. 51076, shall be noted on the

construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in MITIGATED NEGATIVE DECLARATION, NO. 51076, satisfactory to the Development Services Department and the City Engineer. Prior to issuance of the first building permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: Historical Resources (Archaeology).

14. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

15. Prior to demolition of the existing single family residence, notice shall be given to the San Diego Air Pollution Control District (SDAPCD) regardless of whether any asbestos is present or not.

ENGINEERING REQUIREMENTS:

16. Prior to the issuance of any construction permit, the applicant shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

17. Prior to the issuance of any construction permit the applicant shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

18. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Maintenance and Removal Agreement, for proposed sidewalk underdrain in the West Point Loma Boulevard right-of-way.

19. Prior to the issuance of any building permit, the applicant shall enter into an agreement to indemnify, protect and hold harmless City, its officials and employees from any and all claims, demands, causes or action, liability or loss because of, or arising out of the receipt of runoff or flood waters due to the construction of a basement garage.

20. Prior to occupancy, the applicant shall process a "Non Conversion Agreement" for the garage and storage area, subject to inundation.

21. The applicant shall floodproof all structures subject to inundation. The floodproofed structures must be constructed in a manner satisfactory to the City Engineer.

GEOLOGY REQUIREMENTS:

22. An updated geotechnical report will be required as construction plans are developed for the project. Additional geotechnical information such as verification of existing soil conditions

needed for design of structure foundations will be subject to approval by Building Development Review prior to issuance of building permits.

LANDSCAPE REQUIREMENTS:

23. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

PLANNING/DESIGN REQUIREMENTS:

24. No fewer than two off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Development Services Department.

25. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

26. Prior to the issuance of any building permits, the Owner/Permittee shall grant to the San Diego County Regional Airport Authority an aviation easement for the purpose of maintaining all aircraft approach paths to Lindbergh Field. This easement shall permit the unconditioned right of flight of aircraft in the federally controlled airspace above the subject property. This easement shall identify the easement's elevation above the property and shall include prohibitions regarding use of and activity on the property that would interfere with the intended use of the easement. This easement may require the grantor of the easement to waive any right of action arising out of noise associated with the flight of aircraft within the easement.

27. Prior to submitting building plans to the City for review, the Owner/Permittee shall place a note on all building plans indicating that an aviation easement has been granted across the property. The note shall include the County Recorder's recording number for the aviation easement.

28. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.

- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on May 22, 2007 by Resolution No.
XXXX.

000963

ATTACHMENT 9

Permit Type/PTS Approval No.: CDP 147134. SDP 389939
Date of Approval: May 22, 2007

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

Laila Iskandar
Development Project Manager

NOTE: Notary acknowledgment
must be attached per Civil Code
section 1180 et seq.

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

Owner/Permittee

By _____
David Stebbins

NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.

000965

RESOLUTION NUMBER R-_____

ADOPTED ON May 22, 2007

WHEREAS, on October 27, 2004, David Stebbins submitted an application to the Development Services Department for Site Development Permit No. 389939 and Coastal Development Permit No. 147134,

WHEREAS, the permit was set for a public hearing to be conducted by the City Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on May 22, 2007; and

WHEREAS, the City Council of the City of San Diego considered the issues discussed in Mitigated Negative Declaration No. 51076 NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that it is hereby certified that Mitigated Negative Declaration No. 51076 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administration Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the City Council.

BE IT FURTHER RESOLVED that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Mitigated Negative Declaration, a copy of which is attached hereto and incorporated by reference, is hereby approved.

BE IT FURTHER RESOLVED that pursuant to California Public Resources Code, Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

APPROVED: Michael Aguirre, City Attorney

By: _____
Attorney

ATTACHMENT: Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

SITE DEVELOPMENT PERMIT and COASTAL DEVELOPMENT PERMIT

Project No. 51076

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration (Project No. 51076) shall be made conditions of SITE DEVELOPMENT PERMIT and COASTAL DEVELOPMENT PERMIT as may be further described below.

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

The mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

HISTORICAL RESOURCES (ARCHAEOLOGY)

I. Prior to Permit Issuance

A. Land Development Review (LDR) Plan Check

1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring, if applicable, have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the 1/4 mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.
2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring

Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.

3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI and Native American representative, if applicable, shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and the following procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.

2. The Medical Examiner, in consultation with the PI, shall determine the need for a field examination to determine the provenience.
 3. If a field examination is not warranted, the Medical Examiner shall determine with input from the PI, if the remains are or are most likely to be of Native American origin.
- C. If Human Remains ARE determined to be Native American
1. The Medical Examiner shall notify the Native American Heritage Commission (NAHC). By law, ONLY the Medical Examiner can make this call.
 2. The NAHC shall contact the PI within 24 hours or sooner, after Medical Examiner has completed coordination.
 3. NAHC shall identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information..
 4. The PI shall coordinate with the MLD for additional consultation.
 5. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 24 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.
- D. If Human Remains are NOT Native American
1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for interment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner and the Museum of Man.

V. Night Work

- A. If night work is included in the contract
1. When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night work, The PI shall record the information on the CSVN and submit to MMC via fax by 9am the following morning, if possible.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

- d. The PI shall immediately contact MMC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

- A. Submittal of Draft Monitoring Report
 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation
The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
 1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
 1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.



Ocean Beach Planning Board, Inc.
P.O. Box 70184
Ocean Beach, California 92167

July 6, 2006

City of San Diego
Development Services Department
1222 First Avenue, MS 302
San Diego, CA 92101

Attn: Laila Iskandar, Project Manager

Subject: Project No. 51076 (5166 West Point Loma Blvd.)

Dear Ms. Iskandar:

The subject project was presented at the Ocean Beach Planning Board's General Meeting on July 5, 2006 at which a quorum was present. There were two motions concerning this property and neither one passed.

Various board members noted that the new residence would represent a significant improvement over the existing duplex, and would improve the character of the general neighborhood. In addition the change from a duplex to a single family residence would reduce density in the area.

Various board members noted concerns about the height of the project, and that other property on the block might be re-developed to similar heights, altering the character of the neighborhood. The concern is that subsequent development might create a corridor of tall buildings on the block. The suggestion was to restrict the project to two stories.

It was moved and seconded to recommend approval of the project as presented. Motion did not pass. VOTE: 4 YES, 4 NO, 0 Abstained.

It was moved and seconded to recommend denial of the project as presented due to the bulk and scale inappropriateness with the neighborhood. Motion did not pass. VOTE: 4 YES, 4 NO, 0 Abstained.

Thank you for recognizing our efforts and considering our vote.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Jane Gawronski, Ph.D. - Secretary
Ocean Beach Planning Board



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THE CITY OF SAN DIEGO

ATTACHMENT 12

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: January 30, 2007 REPORT NO. PC-07-010
ATTENTION: Planning Commission, Agenda of February 8, 2007
SUBJECT: STEBBINS RESIDENCE - PROJECT NO. 51076
PROCESS 4
OWNER/APPLICANT: David Stebbins

SUMMARY

Issue(s): Should the Planning Commission approve the demolition of an existing one-story duplex, and the construction of a new 1,749 square-foot, three-story single family residence above a 816 square-foot basement garage on a 2,500 square-foot site, and to allow for a deviation from the regulations for Special Flood Hazard Areas?

Staff Recommendation:

1. CERTIFY MITIGATED NEGATIVE DECLARATION No. 51076, and ADOPT MMRP; and
2. Approve Coastal Development Permit No. 147134; and
3. Approve Site Development Permit No. 389939.

Community Planning Group Recommendation: The subject project was presented at the Ocean Beach Planning Board's General Meeting on July 5, 2006. There were two motions concerning this property and neither one passed (Vote 4-4-0) (Attachment 10).

Environmental Review: A Mitigated Negative Declaration (MND), Project No. 51076, has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) guidelines. A Mitigation Monitoring and Reporting Program (MMRP) has been prepared and will be implemented for Archaeological Resources which will reduce any potential impacts to below a level of significance.

Fiscal Impact Statement: The cost of processing this application is paid for by the

applicant.

Code Enforcement Impact: None with this action. There are no open cases in the Neighborhood Code Compliance Department for this property.

Housing Impact Statement: The 0.057-acre site is presently designated for multi-family residential at 15 to 25 dwelling units per acre in the Ocean Beach Precise Plan which would allow 1 dwelling unit on the project site. The proposal to demolish an existing 2-dwelling unit duplex structure and construct a 1-dwelling unit structure on the 2,500 square-foot lot is within the density range of 15 to 25 dwelling units per acre identified in the Precise Plan. The proposal would result in a net loss of 1 dwelling unit in the coastal zone. However, this does not trigger any remedial action to replace affordable housing within the community because it does not meet the Coastal Overlay Zone Affordable Housing Replacement Regulations requiring, "Demolition of a residential structure with three or more dwelling units or demolition of at least eleven units when two or more structures are involved."

BACKGROUND

The project is located at 5166 West Point Loma Boulevard in the RM 2-4 Zone, and is within the Coastal Overlay Zone (appealable-area), Coastal Height Limit Overlay Zone, First Public Roadway, Beach Parking Impact Overlay Zone, Airport Approach Overlay Zone, Airport Environs Overlay Zone, and the 100-year Floodplain Overlay Zone. The 0.057-acre site is within the Ocean Beach Precise Plan and Local Coastal Program Land Use Plan (LCP) which designates the property and surrounding neighborhood for multi-family land use at a maximum density of 25 dwelling units per acre (Attachment 3).

The single-story, 1,250 square-foot duplex was constructed in 1955. The project site is surrounded by established multi-family residential developments to the west, east, south and Ocean Beach Dog Park to the northwest. The San Diego River is located approximately 650 feet to the north of the proposed development and the Pacific Ocean to the west (Attachment 2).

A Coastal Development Permit (CDP) is required to allow the demolition of an existing one-story, duplex and the construction of a new three-story above basement single family residence, fronting West Point Loma Boulevard.

A Site Development Permit in accordance with Process 4 is also required to allow for a deviation to the Special Flood Hazard Area, per the City's Environmentally Sensitive Lands Regulations (SDMC Section 143.0110 Table 143-01A).

DISCUSSION

Project Description:

The project proposes the demolition of the existing one-story duplex and the construction of a new three-story above basement single family residence, fronting West Point Loma Boulevard.

The proposed 1,749 square-foot single family residence would include an office, master bedroom, two bathrooms and a patio on the first level; a kitchen, dining room, living room, bathroom and two decks on the second level; and a loft and a deck on the third-floor level. The project would also include a subterranean two-car garage with a storage area.

The exterior treatments of the single family residence would include a stucco finish with glass blocks located on the north, south and west sides of the single-family residence. The second and third levels would include a foam shape cornice that would border each of those levels. Pipe railing would border the top of each level, along with a 2 1/4 foot glass rail on both the second and third level decks on the west side of the structure. The eastern half of the roof would consist of downward sloping concrete flat tile roofing, while the west half of the roof would consist of a flat roof (Attachment 5).

Community Plan Analysis:

As originally submitted, the project included the demolition of the existing duplex and construction of a 1,751 (original proposal) square-foot three-level single dwelling unit with a subterranean parking garage. Staff initially had concerns regarding the bulk and scale portrayed in the first submittal. The project site is located on one side of a block consisting of 1-story duplexes. The architectural style of the existing 1-story duplexes are virtually identical and have been determined not to be historically significant. Many of the structures are dilapidated and in need of repair/remodeling and the proposal would be consistent with the Ocean Beach Action Plan's objective to "Renovate substandard and dilapidated property" (Residential Element) and "Promote the continuation of an economically balanced housing market, providing for all age groups and family types" (Residential Element).

Staff's initial concerns regarding the proposal's bulk and scale were addressed when the applicant, after meeting with staff, incorporated suggestions that served to further break down the bulk of the original submittal in a manner that preserves the character of small-scale residential development in the community.

The revised project would be consistent with the Ocean Beach Precise Plan. At three stories, the project would be of a larger scale than immediately surrounding development. However, the project would more closely match 2-story structures on the block to the immediate north of West Point Loma Boulevard. In addition, the project area is mapped within the 100-year floodplain and the restrictions on development within the floodplain require that the first floor be 2 feet above the base flood elevation, which would effectively render the ground floor uninhabitable for most properties in this area. This condition and the RM-2-4 zone requirement that 25 percent of FAR be utilized for parking led the applicant to waterproof the garage in order to avoid having part of the ground floor level devoted to parking, which, in turn, would have drastically reduced habitable space. The project proposal includes a modest increase in square footage from 1,250 to 1,749 and the applicant has submitted a design that is well-articulated with pronounced step backs on both the second and third stories which would enhance pedestrian orientation along the public right-of-way. The third story roof is also sloped down in front to further break up the scale of the proposal. Further, the proposal observes the thirty-foot height limit of the Coastal

Overlay Zone.

Staff concluded that the proposed design typifies "small-scale" low-density development and would be consistent with both the Ocean Beach Precise Plan and the Action Plan goals for redevelopment and owner occupied housing. This determination was based on the well articulated design which reduces the bulk of the structure and observes the Coastal Overlay height limit while mindful of the site's physical constraints and regulatory issues which include the floodplain and zoning limitations on floor area ratio.

The project is located between the first public right-of-way and the ocean and therefore issues of coastal access (physical and visual) must be addressed. The proposal would not impact any physical access to the coast. In addition, there are no public view corridors identified in the area by either the Ocean Beach Precise Plan or the Ocean Beach Action Plan. Nonetheless, the project would respect setback requirements and a three foot view corridor would be provided along the east and west sides of the property through a deed restriction to preserve views toward Dog Beach and the San Diego River.

Environmental Analysis:

The project site is within the 100 year floodplain and is therefore considered environmentally sensitive land. However, the previous site grading and construction of the existing duplex have completely disturbed the site. The property is relatively flat with an elevation of 8 feet above mean sea level and does not include any sensitive topographical or biological resources. The site is neither within nor adjacent to Multi-Habitat Planning Area (MHPA) lands. A Mitigated Negative Declaration dated November 2, 2006, has been prepared for this project in accordance with State CEQA guidelines, and a Mitigation, Monitoring and Reporting Program is required for Archaeological Resources to reduce any potential impacts to below a level of significance.

Project-Related Issues:

The proposed development will be constructed within the 100 Year Floodplain (*Special Flood Hazard Area*), and has a Base Flood Elevation of 9.6 feet mean sea level. The restrictions on development within the floodplain require that the lowest floor, including basement, be elevated at least 2 feet above the base flood elevation in accordance with San Diego Municipal Code (SDMC) section §143.0146(C)(6), while the Federal Emergency Management Agency (FEMA) requires that the finished floor elevation be at one or more feet above the base flood elevation (BFE). This project is requesting a deviation to allow development of the residential structure, to be at 7.1 feet below the Base Flood Elevation. The subterranean garage, which would have a depth of 6 feet below existing grades, would be at least two feet below the high groundwater table. However, the project has been designed and conditioned to mitigate potential flood related damage to the principal residential structure by raising the required living space floor area above the flood line per FEMA requirements, and flood-proof all structures subject to inundation in accordance with Technical Bulletin 3-93 of the Federal Insurance Administration. Building conditions Nos. 20 and 21 of the Site Development Permit are required to implement the ESL Regulations and allow the site to be developed below the BFE. All State and Federal flood

requirements shall be satisfied and the project would be consistent with FEMA guidelines through the above mentioned conditions.

As such, the proposed design complies with the requirements for development in a floodplain and the impact would not be significant or otherwise, would be mitigated to below a level of significance. The project is consistent with the land use designation in the Ocean Beach Precise Plan and Local Coastal Program.

Staff can support the proposed deviation as the project conforms to the development regulations through sensitive design practices.

Community Group: The Ocean Beach Planning Board met on July 5, 2006. There were two motions presented concerning this property and neither one passed.

- The first motion was to approve the project as presented. The motion failed by a vote of 4-4-0.
- The subsequent motion was to deny the project as presented due to the bulk and scale. This motion also failed by a vote of 4-4-0.

Various board members noted that the new residence would represent a significant improvement over the existing duplex, and would improve the character of the general neighborhood. In addition, the change from a duplex to a single family residence would reduce density in the area.

Various board members noted concerns about the height of the project, and that other properties on the block might be re-developed to similar heights, altering the character of the neighborhood. Their concern is that subsequent development might create a corridor of tall buildings on the block. The suggestion was to restrict the project to two stories.

As previously indicated, the project site is mapped within the 100-year floodplain and the restrictions on development within the floodplain require that the first floor be 2 feet above the base flood elevation, which would effectively render the ground floor uninhabitable for most properties in this area. The applicant has submitted a design that is well-articulated with pronounced step backs on both the second and third stories which would enhance pedestrian orientation along the public right-of-way. The third story roof is also sloped down in front to further break up the scale of the proposal. Staff believes these design features would alleviate the concern of tall buildings creating a corridor effect in the neighborhood and that the proposed project would meet goals of both the Ocean Beach Precise Plan and Action Plan regarding redevelopment.

Coastal Commission: A review letter dated August 11, 2006 was received from the California Coastal Commission. The Coastal Commission staff noted that the proposed project should be evaluated for adequate parking, potential public view blockage, and compatibility with the community character of the area. Given the orientation of the residence to the ocean, and since the site is adjacent to the public park and beach, a view analysis should be performed. The

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proposed development should address any potential impacts to public access, including impacts related to construction and should be consistent with the policies of the LDC which require open fencing in the side yards, and low level vegetation to preserve public views to the ocean.

City staff reviewed the project for potential public view blockage and noted that neither the Ocean Beach Precise Plan (OBPP), nor the Ocean Beach Action Plan identify any specific public view corridors in the project area. However, the applicant is required to preserve a three-foot view corridor along both the east and west sides of the property through a deed restriction to preserve views toward Dog Beach and the San Diego River. Therefore, no impacts to public access, or any public views would be affected by the proposed project.

Geology: The project site is located within Geologic Hazard Zones 31 and 52 as shown on the San Diego Seismic Safety Study maps. Zone 31 encompasses areas with a high liquefaction potential. Zone 52 is characterized by a low risk of geologic hazards. A geotechnical investigation was conducted that addresses liquefaction potential of the proposed project site. The geotechnical consultant concluded that soils to a depth of about 16-feet are susceptible to liquefaction and they recommend a rigid, reinforced concrete mat foundation to mitigate liquefaction induced settlement and resist hydrostatic uplift.

Groundwater was encountered at a depth of approximately 5 feet. Construction dewatering will be necessary, which might result in minor settlement of adjacent properties. The geotechnical consultant recommends that the dewatering be performed on a localized basis and existing improvements monitored to minimize possible impacts.

Geotechnical reports addressing the project were reviewed by City Geology staff. Based on that review, the geotechnical consultant adequately addressed the soil and geologic conditions potentially impacting the proposed development for the purpose of environmental review. An addendum geotechnical report will be required for submittal of construction plans for ministerial permits.

Conclusion:

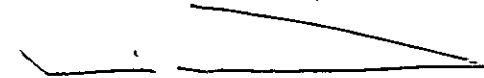
Staff has reviewed the proposed project and has determined the project is in conformance with all applicable sections of the San Diego Municipal Code regarding the RM-2-4 Zone, as allowed through the Site Development Permit Process. Staff has concluded that the proposed deviation will not adversely affect the General Plan, the Ocean Beach Precise Plan, and is appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. Staff believes the required findings can be supported as substantiated in the Findings (Attachment 9) and recommends approval of the project as proposed.

ALTERNATIVES

1. Approve Coastal Development Permit No. 147134, and Site Development Permit No. 389939, with modifications.

2. ~~000981~~ Coastal Development Permit No. 147134, and Site Development Permit No. 389939, if the findings required to approve the project cannot be affirmed.
3. CERTIFY Mitigated Negative Declaration No. 51076, and ADOPT the MMRP.

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Laila Iskandar
Program Manager
Development Services Department

Attachments:

1. Project Location Map
2. Aerial Photograph
3. Community Plan Land Use Map
4. Project Data Sheet
5. Project Development Plans
6. Site Photos
7. Compatible Structures in Neighborhood
8. Draft Permit with Conditions
9. Draft Resolution with Findings
10. Community Planning Group Recommendation
11. Ownership Disclosure Statement
12. Project Chronology

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City of San Diego
Development Services
1222 First Ave. • 3rd Floor
San Diego, CA 92101-4154
(619) 445-5210
www.sandiego.gov/development-services

RECEIVED
CLERK'S OFFICE

ATTACHMENT 13
Development Permit
Appeal Application

07 MAR 14 PM 1:01

See Information Bulletin 503, "Development Permits Appeal Procedure," for information on the appeal procedure.

SAN DIEGO, CALIF.

1. Type of Appeal:

- ☐ Process Two Decision - Appeal to Planning Commission
☐ Process Three Decision - Appeal to Planning Commission
☐ Process Three Decision - Appeal to Board of Zoning Appeals

- ☐ Appeal of a Hearing Officer Decision to revoke a permit
☒ Process Four Decision - Appeal to City Council

2. Appellant Name Please check one ☐ Applicant ☐ Officially recognized Planning Committee ☒ Interested Person (Per M.C. Sec. 113.0103)

1. Randy Ben-Kron
2. Randy Watson

Address City State Zip Code Telephone
1. Box 7098 San Diego CA 92167 (619) 223-3928

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

David Stebbins "Stebbins Residence Project #51076"

4. Project Information

Permit/Approval Being Appealed & Permit/Approval No.:

Date of Decision:

City Project Manager:

March 1, 2007

Linda Isikander

Decision (describe the permit/approval decision):

1. Site Development Permit #509284
2. Coastal Development Permit #14713

3. Mitigated Negative Declaration #51076 approved by Planning Commission

5. Reason for Appeal

- ☒ Factual Error ☒ New Information
☒ Conflict with other matters ☒ City-wide Significance (Process Four decisions only)
☒ Findings Not Supported

Description of Reasons for Appeal (Please relate your description to the allowable reasons for appeal noted above. Attach additional sheets if necessary.)

See Attached

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

1. Randy Ben-Kron
Signature 2. [Signature]

March 13, 2007
Date MARCH 14, 2007

Note: Faxed appeals are not accepted.

This information is available in alternative formats for persons with disabilities.
To request this information in alternative format, call (619) 446-5446 or (800) 735-2629 (TT)

DS-3031 (03-03)

APPEAL OF THE STEBBINS RESIDENCE PLANNING COMMISSION APPROVAL OF
PERMITS AND MITIGATED NEGATIVE DECLARATION
SAN DIEGO, CALIF.

This project should not be allowed a variance for underground parking in a flood plain due to:

- Conflict with City Council Policy 600 - 14
- FEMA "strictly prohibits" parking under residence in floodplains.
- Consequences of approving sub-surface parking under residence in a flood plain
- Inconsistent with the Ocean Beach Precise Plan
- Stebbins' residence does not meet the FEMA Standards for granting of a variance for underground parking of residence in a floodplain
- Findings are not supported
- Major deficiencies in the Mitigated Negative Declaration
- Conflicts with Other Matters including Council member Faulconer's signed pledge to Jim Bell to oppose flood plain development

City Wide Significance: The proposal would set a precedent for allowing parking beneath residential structures in flood plains. Mr. Stebbins has acknowledged this. (Attachment 4, P. 2) If San Diego were placed on NFIP Probation for this, the thousands of residents carrying flood insurance would have their annual premiums raised. This would create a public outcry as has occurred when FEMA has placed other communities on Probation for NFIP violations.

CONFLICTS WITH CITY COUNCIL POLICY 600 - 14

City Council Policy 600-14 states: "Development within areas of special flood hazard is unwise from a public health, safety and general welfare standpoint." This Policy is not addressed in the Mitigated Negative Declaration (MND) or Permits. The proposed re-development would take place in the 100 year flood plain of the San Diego River as cited P. 13, proposed Permit and FEMA Zone A according to the MND, P. 1. The plan to excavate down into the flood plain (7 feet below the 100 year flood level) is not only unwise, it defies common sense.

**NEW INFORMATION: PRIOR CITY REJECTION OF
UNDERGROUND PARKING NOT DISCLOSED IN MND OR TO
PLANNING COMMISSION; PROJECT APPLICANT STEBBINS
CALLED THIS A "PROJECT STOPPER"**

Underground parking legal conflict: The parking under a residence in a floodplain legal conflict was known both to Mr. Stebbins and staff at least as far back as October, 2005. Mr. Stebbins wrote to project manager Iskandar outlining the reasons he thought the deviation from FEMA standards should be granted. (See Attachment 4).

Project Manager Iskandar wrote that staff could not support a project with underground parking due to the FEMA and City codes which don't allow it. In a November 4, 2005 letter to Mr. Stebbins, Ms. Iskandar wrote:

"City staff cannot support the request for an underground parking for the project site. As the development is taking place within the 100 year flood plain zone, certain standards/regulation design must be applied, and the project as presented including the request for Variance or deviation is not in compliance with the City Ordinance which do not allow for construction below grade in these circumstances. As noted previously in our early assessment reports that ^{the} order for staff to support the project, applicant shall demonstrate conformance with the SDMC section 143.0146c(6) requirement in regard to development within a Special flood Hazard Area and having the lowest floor, including basement, elevated at least 2 feet above the base flood elevation.

City staff recommends the following:

- 1 Redesign the project to meet the above requirements..." (Attachment 5)

THIS PRIOR REJECTION OF UNDERGROUND PARKING WAS NOT DISCLOSED IN THE MND OR TO THE PLANNING COMMISSION! It is not known why staff changed their minds on this issue. Mr. Stebbins referred to it as a "project stopper" in his October 25, 2005 letter to Ms. Iskandar: "If there are any more 'project stoppers' other than the above, please bring them to my attention." (Attachment 4). The other "project stopper issue" was the scale of the proposal.

FEMA "STRICTLY PROHIBITS" PARKING UNDER RESIDENCE IN FLOOD PLAINS

FEMA Technical Bulletin 6-93 BELOW GRADE PARKING REQUIREMENTS FOR BUILDINGS LOCATED IN SPECIAL FLOOD HAZARD AREAS IN ACCORDANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM (Attachment 1, PP.1,2) states: "Below-Grade Parking Garages in Residential Buildings in A Zones Section 60.3c(2) of the NFIP regulations states that a community shall:

Require that all new construction and substantial improvements of residential structures within Zones A1-A30, AE and AH on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level..."

Under the NFIP, a below-grade parking garage is considered a basement if it is below grade on all sides. Therefore, the construction of below-grade parking garages is prohibited beneath residential buildings in Zones A1-A30, AE, and AH."

FEMA has written (Attachment 2) that this is a strict prohibition.

Mr. Gregor Blackburn, Senior Natural Hazards Program Specialist for DHS-FEMA Region 9 (San Diego's Region) noted in a March 2 email:

"The provisions of Technical Bulletin 6-93 are explicit. The National Flood Insurance Program regulations strictly prohibit the placement of below-grade parking garages under residential structures."

POTENTIAL CONSEQUENCES OF APPROVING SUB-SURFACE PARKING UNDER RESIDENCE IN A FLOOD PLAIN

Mr. Blackburn (FEMA, Region 9 said in a March 2 email (Attachment 2) :

"A community which has permitted construction in violation of their local flood damage prevention ordinance (which must meet the requirements of Vol. 44 of the Code of Federal Regulations) and having been found in violation of the NFIP would be required to remediate the violation to the maximum extent possible. If the community does not work to remediate the violation they could be put on probation or suspended from the program. If the community is in the Community Rating System—where discounts are given on flood insurance premiums—those discounts could be rescinded."

The above information is more than enough to deny the Permits for this project as proposed with underground parking.

INCONSISTENT WITH OCEAN BEACH PRECISE PLAN

Allowable building on lot size: Page 116 of the OB Precise Plan (Attachment 3) describes the Stebbins residence exact lot size: 25 feet by 100 feet. This page also shows "probable development" for this lot as either 1 story/1250 square feet or 2 story/1750 square feet. Neither has underground parking. This page directly contradicts staff and applicant claims that he could not build a 1750 square foot residence unless he was granted the variance for underground parking in a flood plain. See also attachment 10 in which applicant architect asks City whether they will need to redesign without underground parking.

Visual impact: Evidence of visual impacts not disclosed in the proposed MND or Permits is titled "Policy Review Committee," Planner: Kempton. It is dated 12-22-04. While these comments appear to have been made to a prior design, they are still applicable. (A reference to 2211 sq. ft. is crossed out and replaced with 1747 sq. ft.). City planner Kempton wrote: "The proposal would adversely affect the following policies in the Ocean Beach Precise Plan: 'That views available from elevated areas and those adjacent to the beaches and ocean be preserved and enhanced whenever possible.' Proposal would block views from elevated areas as well as those adjacent to the beaches as proposal is on the first public ROW from the ocean. Proposal would also adversely affect the following policy: 'That yards and coverage be adequate to insure provision of light and air to surrounding properties, and that those requirements be more stringent where necessary for buildings over two stories in height....Proposal would cast shadows over neighboring building/residence and impact air circulation.....'" (Attachment 6)

Affordable housing: Page 24 of the OB Precise Plan (Summary of Recommendation; See: Attachment 7) states: "That lower income housing be encouraged to be maintained in Ocean Beach, especially through minor rehabilitation of existing sub-standard units." This proposal is

inconsistent with that recommendation as lower income residents would be displaced. In a letter to Ms. Iskandar, Mr. Stebbins states that he has spoken with 6 other neighboring landowners who will follow his lead if his project is approved (Attachment 4). This evidence of cumulative impacts to neighborhood character and loss of affordable housing/conflict with Ocean Beach Precise Plan is not in the MND.

OTHER NEW INFORMATION

Ms. Iskandar replied in an email February 27, 2 days prior to the second hearing:

- A. Construction of the subterranean portions of the structure will require dewatering. The geotechnical consultant indicated that the dewatering might cause [Ms. Iskandar inserted the word "minor"] settlement of adjacent properties resulting in minor cosmetic distress that can be easily repaired. They recommended that the condition of structures and improvements adjacent to the subject property be documented before the dewatering operations begin and be monitored during the dewatering operation. In addition, the consultant recommends that the dewatering program be performed on a localized basis (as practical) in order to minimize possible impacts.

The exact quote from the Geo-Technical Report (Replies to City Questions, August 5, 2005, Page 2, Christian Wheeler Engineering) is:

"We are not indicating that the dewatering operation will cause settlement but rather that it might cause settlement on adjacent properties. If it does occur, we expect it will result in only minor cosmetic damage that can be easily repaired." (See Attachment 8).

It is troubling that this information "might cause minor settlement of adjacent properties resulting in minor cosmetic distress that can be easily repaired" regarding potential impacts to adjacent properties is not in the MND or Permits. This makes the MND and Permits fundamentally misleading and inadequate as informative documents. Also, the Planning Commission was not informed of this "inconvenient truth."

The MND (P. 4) includes the following misleading statement: "With regards to the de-watering plan, it is not enforced through the discretionary process; however, compliance with the procedures for de-watering as outlined above would preclude potential impacts resulting from ground failure." In truth, it is clearly within the discretion of decision makers to reject this proposal based upon potential damage to adjacent properties.

CONFLICTS WITH OTHER MATTERS

*A FEMA VARIANCE IS UNWARRANTED FOR UNDERGROUND PARKING BENEATH
A RESIDENCE IN A FLOOD PLAIN*

44 CFR 60.6 Variances and Exceptions authorizes communities to grant variances to the regulations set for in Section 60.3, 60.4, 60.5. The aforementioned sections refer to placing habitable structures in relation to the 100 year (base) flood. Almost without exception, FEMA requires that habitable structures (including basements/underground parking) be one foot above the base flood.

Section 60.6(a) (2) states: "Variances may be issued by a community for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structure constructed below the base flood level, in conformance with the procedures of paragraphs (a) (3), (4), (5) and (6) of this section"

- (3) Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with local laws or ordinances. (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (4) A community shall notify the applicant in writing over the signature of a community official that (i) the issuance of a variation to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the flood level increase risks to life and property."

Section 60.6(b)(2) states: "The Administrator shall prepare a Special Environmental Clearance to determine whether the proposal for an exception under paragraph (b) (1) of this section will have significant impact on the human environment. The decision whether an Environmental Impact Statement or other environmental document will be prepared, will be made in accordance with the procedures set out in 44CFR part 10. Ninety or more days may be required for an environmental quality clearance if the proposed exception will have significant impact on the human environment thereby requiring an EIS."

60.6c states: "A community may propose flood plain management measures which adopt standards for flood proofed residential basements below the base flood level in zones A1-30, AH, AO, and AE which are not subject to tidal flooding. Notwithstanding the requirements of paragraph (b) of this section the Administrator may approve the proposal provided that:

- (1) The community has demonstrated that areas of special flood hazard in which basements will be permitted are subject to shallow and low velocity flooding and that there is adequate flood warning time to ensure that all residents are notified of impending floods. For the purposes of this paragraph flood characteristics must include: (i) Flood depths that are five feet or less for developable lots that are contiguous to land above the base flood level and three feet or less for other lots....."

WHY THE STEBBINS RESIDENCE DOES NOT MEET THE FEMA STANDARDS FOR GRANTING OF A VARIANCE FOR UNDERGROUND PARKING OF RESIDENCE IN A FLOODPLAIN

1. "Good and sufficient cause" has not been shown by the applicant. There are false claims by staff in Findings for Permit (and by the applicant) that he could not build a 1750 square foot residence unless this deviation is granted. However, Page 116 of the Ocean Beach Precise Plan (OBPB) conclusively shows that is not true. Staff claims in the Findings that the San Diego Municipal Code requires 25% of lot size to be devoted to parking in the multi-unit RM-2-4 zone. This would make sense IF parking were being planned for more than one unit. However, since he is proposing a single family residence, requiring 25% of lot size (600 square feet—enough for 4 cars!) is not a reasonable interpretation of this Code.
2. The "Failure to grant the variance would result in exceptional hardship to the applicant" FEMA standard (60.6(a)(3)(ii)) has not been met. Ms. Iskandar's November 4, 2005 letter to Mr. Stebbins clearly states that such circumstances do not merit a Variance. She was correct then and it is puzzling why she and staff changed their formerly valid assessment. See also #1.
3. The proposal might cause "nuisances" as stated in Mr. Stebbins' engineers Report (Christian Wheeler Engineering, August 5, 2005):
"We are not indicating that the de-watering operation will cause settlement but rather that it might cause settlement on adjacent properties. If it does occur, we expect it will result in only minor cosmetic distress that can be easily repaired." To grant a Variance, a proposal must not cause a nuisance as stated in 60.6(a)(3)(iii). This sub-section also states that a variance will not conflict with local laws or ordinances. The proposal does conflict with the OBPB as stated in that Section. Also, Ms. Iskandar's aforementioned letter demonstrates that the proposal does conflict with local ordinance.
Evidence that the proposal would result in increased threats to public safety is in FEMA code which states:
"A community shall notify the applicant in writing over the signature of a community official that (I) the issuance of variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property." Section 60.6(a)(5)
4. "Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flooding hazard, to afford relief." The applicant has not shown that any "relief" would be attained by the variance for underground parking. He can clearly redevelop his property with the same square footage without underground parking as stated in reason #1.
5. The applicant has not demonstrated that flood depths would be three feet or less (for his lot which is contiguous with lots below the base flood level; staff and applicant have acknowledged that adjacent lots are below the base flood level). The MND (p. 1) and Permits acknowledge that

the parking area/basement would be 7 feet below the base flood---thereby missing the Variance standard by 4 feet! See Section 60.6c(1)(i).

Another possible conflict (though this is not as clearly documented as the above reasons) with FEMA variance standards, is that such deviations must not be subject to tidal flooding. See: Section 60.6 c. The CA Coastal Commission has required wave run up studies for redevelopment of residences which are located on the final street before the beach as is the Stebbins residence.

MORE CONFLICTS WITH OTHER MATTERS

Council member Faulconer signed a pledge to ecological designer Jim Bell in exchange for Mr. Bell's endorsement of Mr. Faulconer's candidacy for City Council. Part of this pledge was that, if elected, he would oppose flood plain development. Approving this proposal would be inconsistent with that pledge.

FINDINGS NOT SUPPORTED

Page 8, Finding No. 2 of the proposed Permits inaccurately states: "The proposed coastal development will not adversely affect environmentally sensitive lands."

The proposed de-watering will interfere with the existing groundwater table as stated above—potentially damaging adjacent residences. Flood plains are natural resources as described in Executive Order 11988 "Flood plain Management." (See: <http://www.usace.army.mil/cw/cecwo/reg/eol1988.htm>) The City of San Diego, has agreed to act in conformance with this Order as stated in Grant Conditions for repair of the Point Loma Outfall (1992) and for construction of the North City Water Reclamation Plant. This Order states that those charged with following the Order shall only allow proposals in a flood plain if it is the least environmentally damaging practicable alternative. This Order is much like the language of the city's ESL regulations which require a proposal's impacts on ESL to be "minimized." This proposal is not the least damaging practicable alternative nor does it "minimize" impacts to the flood plain or adjacent properties.

Page 8, No. 3 states: "The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program."

Coastal Permits must be approved by the State. The State and City is required to deny permits to proposals that would violate federal regulations as stated in the section *FEMA "STRICTLY PROHIBITS" PARKING UNDER RESIDENCE IN FLOODPLAINS*

Retaining walls needed: Also, 2 six foot high retaining walls are proposed at the east and west ends of the proposed underground parking garage/basement. Such walls might be considered "shoreline protection devices" and the Coastal Commission might deny a Permit for these. If the underground parking were eliminated, the need for these walls would also be eliminated—as no such walls currently exist on the site which has at-grade parking.

Detrimental to public health, safety and welfare: Page 10, No. 2 states: "The proposed development will not be detrimental to the public health, safety, and welfare." This Finding is contradicted by Council Policy 600-14 "Development in areas of special flood hazard is unwise from a public health, safety, and general welfare standpoint." This Finding is also contradicted by FEMA restrictions on sub-surface parking beneath residences. The 9 foot vertical deviation from City Code requiring the bottom floor (including basements) to be elevated to 2 feet above the 100 year flood and the 8 foot vertical violation of FEMA regulations requiring the basement/garage to be one foot above the 100 year flood—is clear evidence this Finding is not supported by facts.

Related, at the February 8 hearing, a nearby resident testified that in the floods of 1982-83, his residence was under 2-3 feet of water and he lost everything.

Page 10, No. 3 states: "The proposed development will comply with the regulations of the Land Development Code. However, the deviation requested conflicts with SDMC 143.0146.C(6) and the code requirement to be consistent with FEMA regulations. City Project Manager Iskandar confirms this in her rejection of the Stebbins request for Variance. (Attachment 5)

Site suitability: Page 11, No. 1 states: "The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands." Page 11, No. 2 states "The proposed development will minimize the alteration of land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards." Page 12, No.3 states: "The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands." However, in her February 27 email to Randy Berkman (Attachment 9), project manager Iskandar replied that the city had not done any alternatives review. How can the proposal result in "minimum disturbance" to the flood plain and/or adjacent residences if no alternatives review was done? A design with at-grade parking is feasible and currently exists and would lessen potential flooding impacts by building up, not down as well as eliminating damaging impacts to adjacent residences from the proposed de-watering—since the proposed sub-surface excavation would be eliminated. Stebbins' own consultant wrote of eliminating the underground parking as an option (Attachment 10).

Page 13 No. 1 states "The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development." However, the "mitigation/flood proofing" proposed is explicitly prohibited by FEMA regulations. The FEMA Technical Bulletin 3-93 used to justify approval of the project—is for NON-RESIDENTIAL STRUCTURES. REGRETABLELY, THIS VITAL PIECE OF INFORMATION WAS OMITTED FROM BOTH THE PERMITS AND MND—MAKING BOTH FUNDAMENTALLY MISLEADING AND INADEQUATE.

Page 13 No. 1 states: "There are no feasible measures that can further minimize the potential adverse affect on environmentally lands." Page 14 No. 2 states "The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making." This is not true. The redevelopment could include at grade parking with no

impacts to groundwater and the proposed de-watering. See Attachment 3: Ocean Beach Precise Plan showing a 1750 square foot option on site without underground parking.

The lot is 2500 square feet—a very small size. The owner knew this when he bought it.

Page 14, No. 1 "Supplemental Findings, Environmentally Sensitive Lands Deviation from FEMA Regulations states: "The City engineer has determined that the deviation would not result in additional threats to the public safety, extraordinary public expense, or create a public nuisance."

However, the City Engineer does not have the authority to violate FEMA regulations as stated in section on why a FEMA Variance is not merited.

MAJOR DEFICIENCIES IN THE MITIGATED NEGATIVE DECLARATION

The omission of information contained in FEMA Technical Bulletin 6-93 as stated in the section *FEMA STRICTLY PROHIBITS" PARKING UNDER RESIDENCE IN FLOODPLAINS*

1. This omission misinformed and misled the CEQA public review process.
2. The MND refers to FEMA Technical Bulletin 3-93 without listing its title: "NON-RESIDENTIAL FLOODPROOFING—Requirements and Certification for Buildings Located in Special Flood Hazard Areas." They are citing a Bulletin for NON-Residential structures to justify approval of sub-surface parking for a Residential structure.
3. Omission of the potential damages to adjacent residences which the consultant's report states could occur with de-watering. This is a serious omission. Would adjacent property owners have testified in support of the project (February 8) if they had known this project could damage their residences?
4. LACK OF CUMULATIVE ANALYSIS FROM 3 STORY RESIDENCES, UNDERGROUND PARKING AND RETAINING WALLS. Two nearby landowners testified that they would do something similar with their property IF this plan is approved. An October 25, 2005 letter from David Stebbins to Laila Iskandar states that he has spoken with 6 neighboring landowners who will build similar projects if his is approved. (Attachment 4) This is "reasonably foreseeable evidence" (under CEQA) of impacts far beyond this one project. The "walling off impacts" of 3 story residences (compared to existing one story) of this street closest to the beach—have not been assessed as CEQA requires. Also, if underground parking were allowed, retaining walls would occur all along this stretch of beach-adjacent properties. The above cumulative impacts (neighborhood character, retaining walls, underground parking/public safety) require a Mandatory Finding of Significance under CEQA. Therefore, an MND cannot be approved for this proposal. Such "walling off" appears to be inconsistent with the requirements of the CA Coastal Act. The CA Coastal Commission would look very closely at such issues. Also, they would not issue a Permit for any proposal in violation of FEMA or CEQA.

5. Deviations from local regulations are evidence of significant impacts under CEQA. See: *Protect the Historic Amador Waterways v. Amador Water Agency* (2004), Cal.App.4th [No. C042915, Third Dist. Mar. 12, 2004] which is quoted:

"Under the Guidelines, however, "[e]ach public agency is encouraged to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects. A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant." (Guidelines, {Slip Opn. Page 11} § 15064.7, subd. (a).) Such thresholds can be drawn from existing environmental standards, such as other statutes or regulations. "[A] lead agency's use of existing environmental standards in determining the significance of a project's environmental impacts is an effective means of promoting consistency in significance determinations and integrating CEQA environmental review activities with other environmental program planning and regulation." (Communities for a Better Environment v. California Resources Agency, supra, 103 Cal.App.4th at p. 111.)"

6. The cumulative socio-economic impacts of eliminating "affordable" housing rentals on this block have not been reviewed in the MND.

CONCLUSION

As stated in Ms. Iskandar's November 4, 2005 letter to the applicant, the proposal should be redesigned without the underground parking. It is unclear why staff reversed itself on their initial rejection of underground parking of a residence in a flood plain. The current proposal does not meet the FEMA requirements for a variance as no "extreme hardship" has been shown and other standards for variance are not met. Elimination of underground parking would minimize impacts to adjacent residences from the dewatering required. Elimination of the underground parking would also eliminate the private retaining walls which are inappropriate (and apparently precedent setting) in a non-cliff area on the final street before the beach. A redesign should be compliant with the Ocean Beach Precise Plan which recommends the preservation of "affordable" housing. A revised proposal should not set a precedent of "walling off" the final street before the ocean. Also, as City Planner Kempton wrote, such a proposal is not compliant with the OBPB because "Views from elevated areas and those adjacent to the beaches should be preserved and enhanced whenever possible." (P. 82,83 OBPB).

The current plan would violate various city flood plain and FEMA regulations and is also inconsistent with the CA Coastal Act and CEQA. An MND cannot be approved for such a proposal since there is clear evidence of significant visual, land use and public safety impacts.

ATTACHMENTS

1. FEMA Technical Bulletin 6-93 BELOW GRADE PARKING REQUIREMENTS FOR BUILDINGS LOCATED IN SPECIAL FLOOD HAZARD AREAS IN ACCORDANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM, ~~PP. 1, 2~~
2. Email from FEMA Hazard Mitigation Senior Specialist Gregor Blackburn to Randy Berkman (March 2, 2007).
3. Ocean Beach Precise Plan, P. 116.
4. David Stebbins' letter to City Project Manager Laila Iskandar (October 26, 2005)
5. Ms. Iskandar reply to #4—rejecting his request for a flood plain Variance for underground parking
6. Policy Review of Planner Kempton describing Bulk and Scale inconsistencies with OBPP, ~~PP. 1-3~~
7. OBPP, P. 24: recommendation for preservation of affordable housing
8. Wheeler Engineering Reply to City requests for geo-technical information including dewatering impacts to adjacent residences (August 5, 2005), ~~PP. 1, 2~~
9. Ms. Iskandar email to Randy Berkman (February 27, 2007) stating no alternatives review had been done ~~P. 1, 2, 3~~
10. Applicant architect, James Flemming letter to City: "If we decided to eliminate the basement garage" (January 17, 2006)
11. OBPP, PP. 82-83

APPEAL ADDENDUM

NEW INFORMATION

CD COASTAL SHORELINE DEVELOPMENT OVERLAY
ZONE (Appendix B of Local Coastal Program) PROHIBITS
STEBBINS' RESIDENCE PROPOSAL

BACKGROUND:

"On November 25, 1980, the San Diego City Council adopted the Ocean Beach Precise Plan (OBPP) Local Coastal Program Addendum." (Page 129, Ocean Beach Precise Plan). Page 130 of the OBPP shows that the CD Coastal Shoreline Development Overlay Zone is Appendix B of the Local Coastal Program (See Appeal Addendum, Attachment 1, p. 1)

The OBPP (p. 181, OBPP: See Appeal Addendum, Attachment 1, p. 2) contains the first page of the LOCAL COASTAL PROGRAM/CD COASTAL SHORELINE DEVELOPMENT OVERLAY ZONE. This Overlay Zone is:

"intended to provide land use regulations along the coastline area including the beaches, bluffs, and the land immediately landward thereof. Such regulations are intended to be in addition and supplemental to the regulations of the underlying zone or zones, and where the regulations of the CD Zone and the underlying zone are inconsistent, THE REGULATIONS OF THE CD ZONE SHALL APPLY" [caps added]. This language proceeds Section 2. LAND USES:

"In a CD Zone the following uses are permitted: 1. Any use permitted in the underlying zone subject to the same conditions and restrictions applicable in such underlying zone AND TO ALL REQUIREMENTS AND REGULATIONS OF THIS ARTICLE." (Caps added) (P. 181, OBPP)

"All requirements and regulations of this Article" include:

Section 3. LIMITATIONS OR PERMITTED USES (P. 185, OBPP: See Appeal Addendum, Attachment 1, p. 4). states:

"Uses permitted in the CD Zone shall be subject to the following development criteria:

1. Development Criteria - Beach. For the purposes of this Article, beach shall be considered as that area lying seaward of the first contour line defining an elevation 15 feet above mean sea level (North American datum, 1929). No structures of any type shall be erected or placed on the beach except:

a. Structures pursuant to a permitted use as specified in Section 2, subsections 2 and 3 of this Article." (P. 185, OBPB: See: Appeal Addendum Attachment 1, p. 4)
 "Subsections 2 and 3 of this Article" are found on page 183 of the OBPB:

"(2) Permanent or temporary beach shelters provided that such shelters shall be at least 50 percent open on the seaward side and that permanent shelters are so placed and constructed that the floor thereof is at an elevation no lower than 15 feet above mean sea level (North American Datum, 1929).

(3) Sea walls or other structural devices where necessary to prevent erosion of the base of the bluff as the result of wave action provided that such sea wall or other structural device:

(i) shall be constructed essentially parallel to the base of the bluff, (ii) shall not obstruct or interfere with the passage of people along the beach at any time (iii) is necessary to protect coastal-dependent uses or to protect existing principal structures or public beaches in danger from erosion...." (Appeal Addendum Attachment 1, P.3)

Notice that the above regulations do not mention "sand" to define the beach, but rather define the "beach" as "that area lying seaward of the first contour line defining an elevation 15 feet above mean sea level." Page 2 of the MND states that the Stebbins' lot is at 8 feet above mean sea level—"beach" according to the Coastal Development Zone. Since the applicant is not proposing a "beach shelter" or sea wall as defined above (the only 2 permitted uses in the "beach" (area 15 feet above sea level or lower), but rather a permanent residence-- it is not allowed by this Overlay Zone—which takes precedence over the underlying residential zone as stated on page 181 of the OBPP/Local Coastal Program/CD Coastal Development Overlay Zone. (Appeal Addendum Attachment 1, p. 2) It is understood that the City Code defines "coastal beach" as "the land between the edge of the sea and the first line of terrestrial vegetation or development or the toe of an adjacent sensitive coastal bluff or sea wall, whichever is most seaward." However, that definition does not apply to the Local Coastal Program.

San Diego Municipal Code states: "Any coastal development requiring a Coastal Development Permit [as does Stebbins' residence] must conform to the regulations in the certified Local Coastal Program." [such as quoted above] (Ch. 14, Art. 3, Div. 1, page 9, (8)).

Related to the severe development restrictions on such low lying, ocean adjacent land, a City document shows that the value of the Stebbins' land--with improvements, is less than \$100,000! (See Attachment 6, p. 3)

APPEAL ADDENDUM ATTACHMENTS

1. PP. 130 (Attach P.1), 181 (Attach P.2), 183 (Attach P.3), 185 (Attach P. 4) Ocean Beach Precise Plan/Local Coastal Program Addendum

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ATTACHMENT 13

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SAN DIEGO, CALIF.
TECHNICAL BULLETIN 6-93

Below-Grade Parking Requirements
for Buildings Located In Special Flood Hazard Areas
in accordance with the
National Flood Insurance Program

Introduction

The purpose of this bulletin is to provide technical guidance on the National Flood Insurance Program (NFIP) floodplain management requirements for below-grade parking garages for non-residential buildings in Special Flood Hazard Areas (SFHAs) shown on Flood Insurance Rate Maps (FIRMs).

Below-grade parking garages are commonly found in large engineered commercial buildings and are used for parking and access to the above-grade floors of the building. Flooding of these enclosed areas may result in significant damage to the building and any mechanical, electrical, or other utility equipment located there, such as ventilation equipment, lighting, elevator equipment, and drainage pumps. The garage walls, which often are major structural components of the building's foundation, are also susceptible to flood damage. The potential for injury to anyone in the garage, the potential for damage to parked cars, and the safety issue of removing parked cars when flooding threatens are important design considerations.

Note: Users of this bulletin are advised that it provides guidance that must be used in conjunction with Technical Bulletin 3, "Non-Residential Floodproofing — Requirements and Certification." The conditions and requirements set forth in both bulletins must be met for any below-grade parking garage to be in compliance with the minimum requirements of the NFIP regulations. A Floodproofing Certificate for Non-Residential Structures must be completed for any building in an SFHA with below-grade parking.

NFIP Regulations

The NFIP regulations provide direction concerning whether or not below-grade parking is permitted in SFHAs, both coastal and riverine. For the purposes of the NFIP, below-grade parking is considered a basement. A basement is defined as any area of a building having its floor subgrade (below ground level) on all sides. The following subsections provide applicable excerpts from the NFIP regulations.

Below-Grade Parking Garages in Residential Buildings in A Zones

Section 60.3(c)(2) of the NFIP regulations states that a community shall:

"Require that all new construction and substantial improvements of residential structures within Zones AI-A30, AE and AH on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level.."

Under the NFIP, a below-grade parking garage is considered a basement if it is below grade on all sides. Therefore, the construction of below-grade parking garages is prohibited beneath residential buildings in Zones A1-A30, AE, and AH.

Section 60.3(c)(7) of the NFIP regulations deals with residential buildings in Zone AO (sheet flow with depths of 1 to 3 feet) requirements. Section 60.3(c)(7) states that a community shall:

"Require within any AO zone on the community's FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified)."

Therefore, below-grade parking garages beneath residential buildings in Zone AO are prohibited.

Below-Grade Parking Garages in Non-Residential Buildings in A Zones

Section 60.3(c)(3) of the NFIP regulations states that a community shall:

"Require that all new construction and substantial improvements of non-residential structures within Zones A1-A30, AE, and AH on the community's FIRM (i) have the lowest floor (including basement) elevated to or above the base flood level, or (ii) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy."

Below-grade parking garages are permitted beneath non-residential buildings in Zones A1-A30, AE, and AH provided the building (including the parking garage) is floodproofed to the base flood level in accordance with the design performance standards provided above in Section 60.3(c)(3)(ii). Only below-grade parking garages (in non-residential buildings) that are dry floodproofed are permitted under the NFIP. Guidance on floodproofing is provided in the FEMA manual "Floodproofing Non-Residential Structures" and in Technical Bulletin 3, "Non-Residential Floodproofing — Requirements and Certification."

Section 60.3(c)(8) of the NFIP regulations deals with non-residential buildings in Zone AO (sheet flow with depths of 1 to 3 feet) requirements. Section 60.3(c)(8) states that a community shall:

"Require within any AO zone on the community's FIRM that all new construction and substantial improvements of nonresidential structures (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or (ii) together with attendant utility and sanitary facilities be completely floodproofed to that (base flood) level to meet the floodproofing standard specified in Section 60.3(c)(3) (ii)."

Therefore, below-grade parking garages are permitted beneath non-residential buildings in Zone AO provided the building (including the parking garage) is floodproofed to the base flood level in accordance with the design performance standards of Section 60.3(c)(3)(ii). Because of the

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SAN DIEGO, CALIF.

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P. 1
ATTACHMENT 1 3

Dear Mr. Blackburn: I appreciate your straightforward reply. What consequences could there be to an NFIP community which knowingly approved parking under residence in a floodplain--despite being presented with the clear language of FEMA Technical Bulletin 6-93? Thank you, RB

Subject: RE: parking under residences in FEMA A zone/100 year floodplain
Date: Fri, 2 Mar 2007 09:05:13 -0700
From: gregor.blackburn@dhs.gov
To: jrb223@hotmail.com
CC: raymond.lenaburg@dhs.gov

Dear Mr. Berkman:

Mr. Ray Lenaburg forwarded your e-mail to me for a reply.

The provisions of Technical Bulletin 6-93 are explicit. The National Flood Insurance Program regulations strictly prohibit the placement of below-grade parking garages under residential structures. If I can be of further assistance or if you have more questions you may contact me by phone or e-mail.

Gregor P. Blackburn, CFM

Senior Natural Hazards Program Specialist

National Flood Insurance Program

DHS-FEMA, Region IX

1111 Broadway Street, Suite 1200

Oakland, CA 94607

(510) 627-7186 voice

001000

Attachment
P. 2
ATTACHMENT 13

9:10 AM 3/02/07

Blackburn, Gregor (gregor.blackburn@dhs.gov)

To: Randy Berkman (jrb223@hotmail.com)

Subject: RE: parking under residences in FEMA A zone/100 year floodplain

A community which has permitted construction in violation of their local flood damage prevention ordinance (which must meet the requirements of Vol. 44 of the Code of Federal Regulations) and having been found in violation of the NFIP would be required to remediate the violation to the maximum extent possible. If the community does not work to remediate the violation they could be put on probation or suspended from the program. If the community is in the Community Rating System--where discounts are given on flood insurance premiums--those discounts could be rescinded.

I can only assume that these inquiries border on leaving the hypothetical. Know you of such a structure?

Gregor
(510) 627-7186

From: Randy Berkman [mailto:jrb223@hotmail.com]
Sent: Friday, March 02, 2007 8:48 AM
To: Blackburn, Gregor
Subject: RE: parking under residences in FEMA A zone/100 year floodplain

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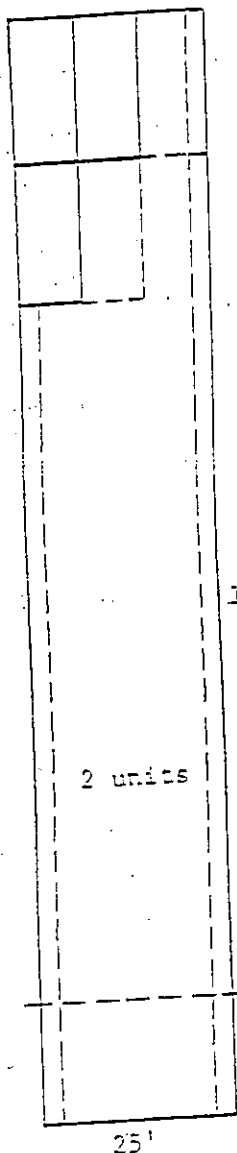
ATTACHMENT 13

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SAN DIEGO, CALIF.

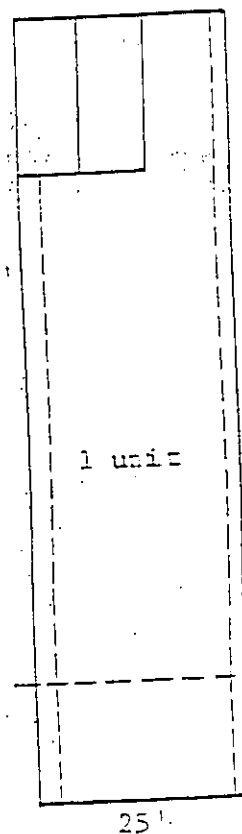
OCEAN BEACH

Illustrative or typical density proposal
25 dwellings units/acre (one unit for every 1750 sq. ft. lot area)



Probable
development

A 2 story building,
one unit per floor,
1225 maximum sq. ft./
unit,
or
2 units on one floor,
having 825 sq. ft.
each.



Probable
development

A 2 story unit,
having 1750 sq. ft.
maximum floor area,
or
A one story unit
having a maximum
of 1250 sq. ft.

REAR - 17

Parking - 2 spaces/unit, tandem acceptable but only w/alley access.

Yards - front - 15'

interior side - 3'

rear - 0' except as required for auto maneuverability

Height - 24' with a maximum of 2 stories

Landscaping - 20% of the total lot, 60% of the required front yard

Lot coverage - 50%

001902

1445 W. OFFICES OF DAVID STEBBINS

4948 Voltaire St., Ste 1-A
San Diego, CA 92107

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ATTACHMENT 13

Telephone 619-223-9440
Facsimile 619-223-0174

SAN DIEGO, CALIF.

TO: Laila Iskandar
FROM: David Stebbins
RE: Stebbins Residence, 5166 W. Pt. Loma

Attachment 4
P. 1

10/26/05

Dear Ms. Iskandar,

Here is the document we discussed. As you can see, Fema clearly provides for discretion on the community's part in granting an exception to an underground "basement" in a flood zone. The attached regulation has specific direction on what is required. Please note the following factors which mitigate in my favor;

1. I am not proposing a "basement" in the commonly used sense. The area will be used only for parking and for storage. Fema distinguishes this use in their other regulations when it comes to flood proofing.
2. If my property was a commercial property with identical characteristics I would clearly be able to have under ground parking as Fema provides regulations for flood proofing such a property.
3. The flood zone I am in was created, I believe prior to the levee; this levee now protects my property from floods which, if you look at the map, come not from the ocean, but from the river. Flooding, if any would be low velocity and shallow due to the protection of the Levee.
4. Each year the city continues to build a berm on the beach during the winter months. During the last horrific winter, the parking lot in back of my property stayed as dry as a bone.

If you will review the attached document, you will see that my property would obviously meet all of the other Fema criterion for a variance quite. I am willing to spend the money to flood proof the basement according to your/an engineer's instructions.

SCALE

As we discussed, I am only building a 1750 sq. foot house. If I must park above ground, this would reduce an already modest house (by anyone's standards) to a tiny house. This type of house would almost certainly be esthetically limited as it would not make sense to spend as much money on such a project. The result would be just another boxy, drab house.

With all due respect, sooner or later the City must realize that this valuable land cannot be allowed to remain a sort of Beach Ghetto. The parking is currently all done in the setbacks. Half the tenants have constructed illegal ocean view decks. All of the properties on my block are eyesores; just painting them would make them "stick out".

There are several large multi-story properties within one block of me. I have spoken to at least six of the other owners on my same block. They have all been supportive of my plans. They have all expressed doing the same thing if I can prove it is doable. They have all offered to send letters if it would help. Consequently, once the ball is rolling, there should be an incremental change in the block. Just because I am the first and will "stick out" does not mean that I do not conform to the specific plan. It just means I am the first!

cumulative
impacts
not
addressed
in MND

I would like you to note that there is one owner who successfully completed a two unit Condo project on Brighton with underground parking last year. He is approx 20 feet outside the flood zone. I would be surprised if the flood map is truly accurate to within 20 feet. Actually, he is only about 30 feet from the sand. As we discussed, Quigs is a commercial project that was built with underground parking using flood proofing.

So, there are some close precedents from a practical standpoint for what I propose. I am asking for a little flexibility on the part of you and your staff. I live and work in Ocean Beach. It would be a great hardship for me to have to move somewhere else in order to live in a bigger house.

If there are any more project stoppers other than the above, please bring them to my attention. If you have any other ideas please feel free to bring them to my attention as well. I am flexible. It is my hope that my home will be the start of a very exciting and pleasing revitalization of the block.

I appreciate your kind attention and help.

Sincerely,



David Robbins

ATTACHMENT 13

07 MAR 14 PM 1:02

Laila Iskander
Development Project Manager
Development Services
1222 First Ave., 5th Floor, MS 501
San Diego, CA 92101-4506
Phone: 619 446-5297; Fax 619 446-5499
Email: liskandar@sanidiego.gov
Website: www.sandiego.gov

001005

ATTACHMENT 13

DATE:

12-22-04

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COMMUNITY PLAN:

Ocean Beach

07 MAR 14 PM 1:02

PLANNER:

Kempton

SAN DIEGO, CALIF.

PROJECT NAME:

Stebbins residence

PTS/PROJECT NO.:

51076

PROJECT TYPE:

- ☐ CPA INITIATION
☐ DEVELOPMENT PROJECT WITH CPA (initiation date)
☒ DEVELOPMENT PROJECT WITHOUT CPA
☒ POLICY ISSUE

ASSOCIATED DISCRETIONARY PERMITS: CDP

DPM: L. Iskandar

1747

PROJECT DESCRIPTION: CDP to demolish an existing one-story duplex and construct a new 2,211 sq. ft. three-story single dwelling unit on a 2,500 sq. ft. lot located at 5166 W. Point Loma Blvd., designated for medium density residential (25 du/ac) in the RM-2-4 zone. Coastal Zone appealable, Coastal Height Limit Overlay Zone, Airport Environs Overlay Zone, Airport Approach Overlay Zone.

No Public View

ISSUES: Bulk & scale with neighboring development plus views, light & air. The northern section of W. Point Loma has been largely redeveloped with predominately three-story structures but this section of W. Point Loma, south of Voltaire, is an enclave of sixteen one-story structures that is typical of the "small scale/historic cottages" identified in the OB Precise Plan. Scraping one of these duplexes and building a three-story residence would adversely affect the above policies, as described below.

The proposal would adversely affect the following policies in the Ocean Beach Precise Plan: "That views available from elevated areas and those adjacent to the beaches and ocean be preserved and enhanced wherever possible." Proposal would block views from elevated areas as well as those adjacent to the beaches as proposal is on the first public ROW from the ocean. Proposal would also adversely affect the following policy: "That yards and coverage be adequate to insure provision of light and air to surrounding properties, and that those requirements be more stringent where necessary for buildings over two stories in height and for lots greater than 40' in width. " Proposal would cast shadows over neighboring buildings/residences and impact air circulation. Because there can be no habitable space on the first floor in the flood plain the applicant is faced with building a much larger structure than the original or not receiving much benefit, in terms of FAR (from original) by building up only two stories, considering the 25% parking requirement in the RM-2-4 zone.

Parcel Information Report

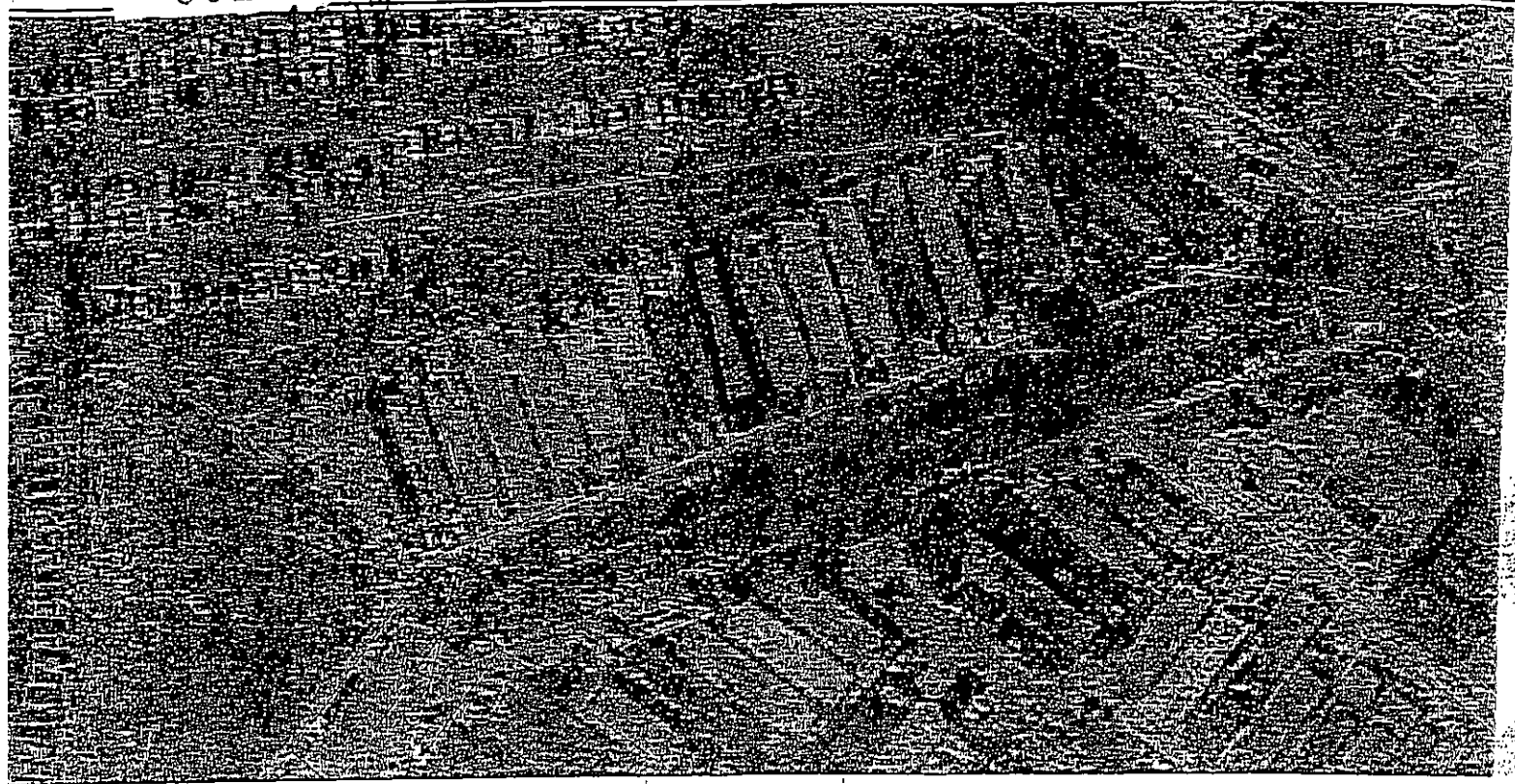
Report Number: 001007

THE CITY OF SAN DIEGO
Development Services
1222 First Avenue, San Diego, CA 92101-4154

A. H. H. H.
P. 3

7/17/05 17:04

Page 1



100 feet

Scale is Approx

Map Layers Included In Report

Description	Visible	Transparent	Has Intersecting Features
Address	<input checked="" type="checkbox"/>		No
Highways	<input checked="" type="checkbox"/>		No
Parcels	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Yes
Aerial Photos (1999)	<input checked="" type="checkbox"/>		No

Every reasonable effort has been made to assure the accuracy of this map. However, neither the SanGIS, participants nor San Diego Data Processing Corporation assume any liability arising from its use.

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

PROPRIETARY INFORMATION: The use of this information is pursuant to sublicense agreement only. Any resale or relicensing of this information is prohibited, except in accordance with such sublicense agreements.

Intersecting Features

Parcel	Recordation	Owner Information	Valuation	Other
001007	Record: 442850, Date: 12/4/03	FOX MARY LI 809 CORNISH DR SAN DIEGO CA SAN DIEGO CA 92107	Land: \$80,273 Imp: \$37,832 Total: \$118,105	Units: <input type="checkbox"/> Taxable: <input type="checkbox"/> Own Occ: <input type="checkbox"/>
SUNSET CLIFFS BL				

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SAN DIEGO, CALIF.

- o That yards and coverage be adequate to insure provision of light and air to surrounding properties, and that those requirements be more stringent where necessary for buildings over two stories in height and for lots greater than 40-foot in width.
- o That floor area ratios of about .7 for a 25 du/ac density, 1.0 for a 38 du/ac density, and 1.3 for a 54 du/ac density be developed, and that consideration be given to increasing or decreasing them for purposes of providing positive or negative incentives for development, based upon detailed criteria.
- o That a height limit of 30 feet be established for all residential areas.
- o That two off-street parking spaces be provided for every residential unit and that tandem parking be permitted provided that access is from the rear of the lot and provided that at least one space per unit opens on to an alley.
- o That at least 20 percent of lots be landscaped, including all of the required front yard.
- o That lower income housing be encouraged to be maintained in Ocean Beach, especially through the minor rehabilitation of existing substandard units.
- o That an affirmative action program be established in order to inform persons of the choices of existing housing and to insure that builders and developers of housing are aware of all available housing programs.
- o That current assessment practices be evaluated in order to determine their impact upon the community with respect to goals of the Precise Plan.
- o That taxation programs be evaluated for purposes of providing tax relief and encouraging development compatible with the goals of the Precise Plan.

001010
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SAN DIEGO, CALIF.



CHRISTIAN WHEELER
ENGINEERING

11 17-0000. 0
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ATTACHMENT 13

RESPONSE TO
GEOTECHNICAL REVIEW OF DOCUMENTS

PROPOSED SINGLE-FAMILY RESIDENCE
5166 WEST POINT LOMA BOULEVARD
SAN DIEGO, CALIFORNIA

SUBMITTED TO:

DAVID STEBBINS
4948 VOLTAIRE STREET, SUITE 1A
SAN DIEGO, CALIFORNIA 92107

SUBMITTED BY:

CHRISTIAN WHEELER ENGINEERING
4925 MERCURY STREET
SAN DIEGO, CALIFORNIA 92111

CWE Response:

It is our opinion that construction of the proposed retaining walls will not destabilize adjacent property or result in settlement of the neighboring structures. No mitigation measures are necessary.

City Comment:

6) The geotechnical consultant indicates that construction dewatering may result in settlement of adjacent property. Provide mitigation measures. Indicate if adverse effects are unavoidable.

CWE Response:

As indicated in the geotechnical report, it is our opinion that the dewatering operation might cause some minor settlement of improvements on adjacent property. We are not indicating that the dewatering operation will cause settlement but rather that it might cause settlement on adjacent properties. If it does occur, we expect it will result in only minor cosmetic distress that can be easily repaired. In addition to monitoring of improvements on adjacent property both before and after the dewatering operation, we recommended that the dewatering operation be performed on a localized basis (as practical) in order to minimize possible impacts. Specific recommendations for both monitoring and dewatering operations should be provided by the appropriate contractor.

City Comment:

7) Address lateral spread and the potential for a flow slide.

CWE Response:

Based on the conditions at the site (relatively level terrain and Bay Point Formation materials at generally less than 15 feet below existing grades), it is our opinion that the potential for lateral spread and a flow slide is very low, even though there is a finite (yet undetermined) probability of such an event occurring.

City Comment:

8) Explain the significance of the site location for contributing to the low risk potential from tsunamis. Provide rationale for conclusions regarding tsunami hazard.

CWE Response:

Tsunamis are great sea waves produced by a submarine earthquake or volcanic eruption. Historically, the San Diego area has been free of tsunami-related hazards and tsunamis reaching San Diego have generally

001012

3:18 PM 2/27/07

Laila Iskandar (LIskandar@sanidiego.gov)

RECEIVED ATTACHMENT 13
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07 MAR 14 PM 1:02

SAN DIEGO, CALIF.

To: jrb223@hotmail.com

Cc: savewetlands@cox.net; jimbellob@hotmail.com; Mike Westlake (MWestlake@sanidiego.gov); Sabrina Curtin (SCurtin@sanidiego.gov); Stephen Lindsay (SLindsay@sanidiego.gov)

Subject: Re: Stebbins residence questions after reading the MND

Mr. Berkman,
Please see my responses below with regard to your inquiry.

Q. What is the purpose of the 6 ft. high retaining walls proposed on both sides of the underground garage/basement?

A. The retaining wall are on both sides of the driveway to retain the soil and support the structure.

Q. Would the base of these walls be at currently existing grade or at the excavated for parking lot grade?

A. The base of the walls will be at the same level as the basement grade.

Q. Would these walls be north, south, east, or west of proposed underground parking?

A. The proposed retaining walls will be on the east and west side of the driveway.

Q. The MND mentions foundation preparation for liquefaction mitigation. What exactly is proposed to mitigate liquefaction (sinking columns to bedrock, densification of underlying soil)? I don't see how a merely 6 ft. excavation for parking could mitigate liquefaction unless columns were sunk to bedrock). Is a 6 ft. excavation enough for underground parking?

A. The project's geotechnical consultant, has addressed the liquefaction potential of the site. They indicate that a surficial layer of beach deposits 11 to about 16-feet deep underlie the site. Below groundwater, these deposits are considered susceptible to earthquake induced liquefaction. Excavation for the proposed structure is expected to remove the upper 6-feet of these deposits. The consultant recommends that the proposed residence is founded on a rigid concrete mat foundation. In addition, the consultant recommends removing and compacting soil to a depth of 1 foot below the proposed mat foundation. The consultant indicates that the anticipated liquefaction induced settlement will be about 2.9 and 1.5-inches, total and differential, respectively.

Details of the design will be reviewed at the building permit phase of the proposed development.

Q. Has staff considered any alternatives to the proposed plan? If not, why not?

A. No. Staff only reviews and comments on projects proposed.

Q. What is the document which states that the source of 100 year flood would be storm drain overflow? Is that document available online?

A. This information is based on the master drainage plan for Ocean Beach, prepared in 1998, during a 100-year event, the peak discharge is higher than the capacity of the storm drain system, which would result in ponding within this low-lying area. I don't believe this information is on line.

Q. Has the site been assessed for ocean flooding? At the hearing, a neighboring resident testified that in '82-'83, his residence had 2-3 ft. of water which caused substantial property loss. It is difficult to believe that was from only urban flooding with no ocean water contribution.

A. No. Ocean flooding is not considered an issue for properties in this area.

Q. Is the owner aware of the NFIP HIGH insurance rate issues I have documented due to the proposed sub-surface parking/basement?

A. Yes.

Q. Would the city be responsible for relocation expenses of any renter of the duplex and/or nearby duplexes if they redevelop?

A. No, because this area does not meet the Coastal Overlay Zone Affordable Housing Replacement Regulations requirement, as the demolition involves less than three units within one structure.

Q. The revised MND states: "With regards to the dewatering plan, it is not enforced through the discretionary process; however, compliance with the procedures for dewatering as outlined above would preclude potential impacts resulting from ground failure." What is the source of this statement? Couldn't dewatering this site create a subsurface water flow and rise to other nearby residences and undermine their foundations?

A. Construction of the subterranean portions of the structure will require dewatering. The geotechnical consultant indicated that the dewatering might cause minor settlement of adjacent properties resulting in minor cosmetic distress that can be easily repaired. They recommended that the condition of structures and improvements adjacent to the subject property be documented before the dewatering operations begin and be monitored during the dewatering operation. In addition, the consultant recommends

What the dewatering program be performed on a localized basis (as practical) in order to minimize possible impacts.

Thanks, Laila

>>> "Randy Berkman" <jrb223@hotmail.com> 2/9/2007 10:15 AM >>>
Ms. Iskandar:

After more review of the MND, I have the following questions. If you wish, for your convenience, I could email directly to the project analyst/MND author--if you provide me his/her email.

1. What is the purpose of the 6 ft. high retaining walls proposed on both sides of the underground garage/basement?
2. Would the base of these walls be at currently existing grade or at the excavated for parking lot grade?
3. Would these walls be north, south, east, or west of proposed underground parking?
4. The MND mentions foundation preparation for liquefaction mitigation. What exactly is proposed to mitigate liquefaction (sinking columns to bedrock, densification of underlying soil)? I don't see how a merely 6 ft. excavation for parking could mitigate liquefaction unless columns were sunk to bedrock). Is a 6 ft. excavation enough for underground parking?
5. Has staff considered any alternatives to the proposed plan? If not, why not?
6. What is the document which states that the source of 100 year flood would be storm drain overflow? Is that document available online?
7. Has the site been assessed for ocean flooding? At the hearing, a neighboring resident testified that in '82-83, his residence had 2-3 ft. of water which caused substantial property loss. It is difficult to believe that was from only urban flooding with no ocean water contribution.
8. Is the owner aware of the NFIP HIGH insurance rate issues I have documented due to the proposed sub-surface parking/basement?
9. Would the city be responsible for relocation expenses of any renter of the duplex and/or nearby duplexes if they redevelop?
10. The revised MND states: "With regards to the dewatering plan, it is not enforced through the discretionary process; however, compliance with the procedures for dewatering as outlined above would preclude potential impacts resulting from ground failure." What is the source of this statement? Couldn't dewatering this site create a subsurface water flow and rise to other nearby residences and undermine their foundations?

001015

JAMES SCOTT FLEMING

STONEBROOK STUDIO, INC. ARCHITECTURE AND PLANNING PH 11:02

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13

SAN DIEGO, CALIF.

Copy to LAILA ISKANDAR

January 15, 2006

Mr. Stephen Lindsay
Development Services
City of San Diego
1222 First Avenue, San Diego, CA 92101

Re: Stebbins Residence (FTS#51076)

Dear Steve:

Per our phone conversation last week, it is my understanding that we will not be held to the five(5) foot maximum depth below flood line level for the floor of the garage as indicated in the FEMA material I sent to you. This requirement appears not to be applicable to our single project request for the basement allowance in the floodplain. Our Garage floor will be approx. 6.5 feet below the flood level of 9.6. I would like to request a quick response acknowledging this information so that we can revise our plans accordingly for resubmittal.

I also understand that if we decided to eliminate the basement garage and provide a surface parked carport instead, that even though this surface would be below the 9.6, that it would be an acceptable alternative, as the parking surface is allowed at existing grade as long as the remaining living area is above the flood line level.

I look forward to your response.

Sincerely,

Scott Fleming
Project Architect

cc: David Stebbins
Laila Iskandar

IF no response
then VAR will
not be approved

001016

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OBPP

Hesh. 11
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GENERAL RECOMMENDATIONS SAN DIEGO, CALIF.

The coastline is a physical resource with distinct visual, psychological and functional qualities. For these reasons, the relationship of Ocean Beach to the coast should be considered carefully. The people of California have demonstrated their concern for coastal conservation by passing Proposition 20, the Coastal Zone Conservation Act, in 1972. The California Coastal Zone Conservation Commission has set as policy that the entire California coastal area should be recognized as a prime regional, state, and national resource. Virtually all of the Ocean Beach Precise Plan area falls within the 1,000' boundary of the coastal permit zone. The guidelines established by the Coastal Commission and the eventual plan, now being prepared, do and will contain important policies that should be considered in any future planning or development in Ocean Beach.

The views available from elevated areas and those adjacent to the beaches and ocean should be preserved and enhanced wherever possible. The City is presently drafting scenic hillside protection regulations that are specifically intended to aid in view preservation. The Comprehensive Planning Organization has a Coastal Vistas Map that defines such views. Development incentives should be considered to encourage removal of existing view-blocking structures and to encourage any new development or redevelopment from committing the same fault. Street trees, when planted, should be located so as to not block views upon maturity and to complement the surrounding area.

One of the primary methods of preserving and improving the physical appearance of Ocean Beach is to continue the desirable qualities which contribute to its character. One of the objectives of the residential element is that new residential construction be in the form of garden-type units, absent from excessive height and bulk and compatible with the overall existing character of the community. It is also important to preserve those existing structures that add to the charm of the area. A policy of the Coastal Commission is that new development shall be compatible with existing structures in terms of finished materials, colors and structured elements. Since most of the Ocean Beach Precise Plan area falls within the 1,000' coastal permit zone, this particular policy presently comes under their purview. Detailed development standards should be established in order to insure the preservation of the physical community.

The major goal of the Commercial Element is to maintain the distinct and compact nature of existing commercial centers. Newport Center should continue as the cultural heart of the community. Its pedestrian orientation should be strengthened. The design of existing and new buildings should reflect the scale and character of the existing center. Specific criteria should be developed to insure this occurrence.

Additional sign criteria should be developed that is specifically designed to enhance the character of the Ocean Beach community. Signs in the Newport commercial center, for example, should be of a small scale, giving information and direction to the pedestrian and slow-moving cars. Other criteria should detail the size of signs, materials, textures, lettering styles, and layout of the copy. Off premise advertising signs should be specifically prohibited.

Some major utilities have been undergrounded in Ocean Beach. Most of the community would benefit from an undergrounding program, specifically along heavily traversed streets. In some residential areas, however, the streets have been successfully landscaped to soften the look of poles and wires, or the lines have been located in alleys. In these instances, other environmental problems should receive a higher priority.

General landscaping recommendations exist within the individual elements of this plan. More specific criteria should be developed, including a list of vegetation types best suited to the beach community. Such criteria should be disseminated through Ocean Beach. These criteria should be coordinated with landscape guidelines of the San Diego Coast Regional Commission. Landscaping should be composed of vegetation and other natural features. All plant material should be maintained in a healthy, growing condition.

Elements such as beachfront promenades, bikeways, benches, signs, street lights, telephone booths, fountains, drinking fountains, mail boxes, trash cans, bike racks, railings, sidewalks, planter boxes, play equipment, fire hydrants, and paving material all act together to establish the visual quality of an area. Where they are located and designed haphazardly, they add visual confusion and clutter to an area. All such elements should exist in a coordinated manner, and should be designed to relate to each other and to the community in order to enhance visual quality. Street furniture should relate physically and functionally to the user. These items, although small in size, can be the accent necessary to insure that the community projects a positive image.

Summary of Plan Recommendation

- That future planning and development preserve the integrity of the coastline the length of Ocean Beach.
- That views available from elevated areas and those adjacent to the beaches and ocean be preserved and enhanced wherever possible.
- That detailed development standards be established in order to insure the preservation of the character of the residential community.

OCEAN BEACH PRECISE PLAN
LOCAL COASTAL PROGRAM ADDENDUM

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07 MAR 14 PM 1:02

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SAN DIEGO, CALIF.

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001019

Section 1. PURPOSE AND INTENT. The CD Coastal Shoreline Development

Overlay Zone is intended to provide land use regulations along the coastline area including the beaches, bluffs, and the land area immediately landward thereof. Such regulations are intended to be in addition and supplemental to the regulations of the underlying zone or zones, and where the regulations of the CD Zone and the underlying zone are inconsistent, the regulations of the CD Zone shall apply. The purpose of the CD Coastal Shoreline Development Zone is to provide for control over development and land use along the coastline so that the public's interest in maintaining the shoreline as a unique recreational and scenic resource, promoting public safety, and in avoiding the adverse geologic and economic effect of bluff erosion, is adequately protected. New construction in the CD Coastal Shoreline Development Zone shall be designed and located so as to minimize risks to life and property and to assure stability and structural integrity and neither create or contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms in said Zone.

Section 2. LAND USES. In a CD Zone the following uses are permitted:

1. Any use permitted in the underlying zone subject to the same conditions and restrictions applicable in such underlying zone and to all requirements and regulations of this Article.
2. Beach facilities constructed, owned and maintained by the State of California, County of _____* or such other public agency or district as may be authorized to construct, own and maintain such facilities for the use of the general public; including but not necessarily limited to:

* City of San Diego

Permanent or temporary beach shelters provided that such
shelters shall be at least 50 percent open on the seaward side
and that permanent shelters are so placed and constructed that
the floor thereof is at an elevation no lower than 15 feet
above mean sea level (North American Datum, 1929).

- (3) Sea walls or other structural devices where necessary to prevent erosion of the base of the bluff as the result of wave action provided that such sea wall or other structural device:

(i) shall be constructed essentially parallel to the base of the bluff; (ii) shall not obstruct or interfere with the passage of people along the beach at any time; (iii) is necessary to protect coastal - dependent uses or to protect existing

principal structures or public beaches in danger from erosion;

(iv) is designed to eliminate or mitigate, to the maximum extent

feasible, adverse impacts on local beaches, shoreline sand

supply or transport; (v) shall assure stability and structural

integrity for the economic life of the structures or uses it

is to protect; (vi) shall neither create nor contribute signif-

icantly to erosion or instability of adjacent property; and (vii)

shall mitigate or eliminate any alteration of natural landforms

or adverse effects to the scenic qualities of the coast.

- (4) Upon the issuance of a special use permit, any use allowed in the underlying zone by special use permit; provided that the

Board of Supervisors determines that such use is consistent

with the intent and purpose of the CD Zone.

- (5) A record of Survey map shall be filed with the State Lands

* City Council

4. Upon the issuance of a special use permit, any use allowed in the underlying zone by special use permit; provided that the Board of Supervisors determines that such use is consistent with the intent and purpose of the CD Zone.

Section 2. SPECIAL USE PERMIT REQUIRED. Notwithstanding any other provisions of this ordinance, no building permit may be issued or construction commenced on any building or structure in the CD Coastal Development Overlay Zone, except one-family dwellings and structures appurtenant thereto, unless a special use permit therefore has first been granted by the Board of Supervisors. Applications for such special use permit approval shall be submitted to the Director of _____ and shall be accompanied by such data and information as required by this Article for a site plan application.

Section 3. LIMITATIONS ON PERMITTED USES. Uses permitted in the CD Zone shall be subject to the following development criteria:

1. Development Criteria - Beach. For the purposes of this Article, beach shall be considered as that area lying seaward of the first contour line defining an elevation 15 feet above mean sea level (North American Datum, 1929). No structures of any type shall be erected or placed on the beach except: *only structures having a beach elevation*
 - a. Structures pursuant to a permitted use as specified in Section 2, subsections 2 and 3 of this Article.

2. Development Criteria - Bluff. For the purposes of this Article, a bluff is a scarp or steep face of rock, decomposed rock, sediment or soil resulting from erosion, faulting, folding, or excavation of the land mass. The bluff may be simple planar or curved surface or it may be step-like in section. For the purposes of this Article, bluff is limited to those features having vertical relief of ten feet or more, and whose toe is or may be subject to marine erosion. "Bluff edge" is the upper termination



City of San Diego
Development Services
Division Name
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Project Title

001023

Project No. For City Use Only

51076

Project Address:

5166-66 1/2 W. PTLAMA Blvd

Part I: To be completed when property is held by individual(s)

Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☐ No

Name of individual (type or print):

DAVID STEBBINS

☒ Owner ☐ Tenant/Lessee

4948 VOITATE FIA

Street Address:

SAN DIEGO CA 92107

City/State/Zip:

SAN DIEGO CA 6192230174

Phone No:

Fax No:

2/25/04

Signature:

Date:

Name of individual (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

Name of individual (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

Name of individual (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

Name of individual (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

Name of individual (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

335
7/25



Land Development
Review Division
(619) 446-5460

Mitigated Negative Declaration

Project No. 51076

SUBJECT: Stebbins Residence: SITE DEVELOPMENT PERMIT and a COASTAL DEVELOPMENT PERMIT to demolish a single-level 1,250 square-foot residence and construct a 1,749 square-foot, three-level single dwelling unit with a subterranean parking garage on a 2,500 square-foot lot. The proposed project is located at 5166 West Point Loma Boulevard in the Ocean Beach Community Planning Area, Coastal Overlay Zone (appealable area), Coastal Height Limitation Overlay Zone, Airport Environs Overlay Zone (AEOZ), Airport Approach Overlay Zone (AAOZ) and the Ocean Beach Cottage Emerging Historic District. Legal Description: Lot 13 of Block 41, Map 1814 Wonderland Beach. Lot 14, Block 90 of Ocean Bay Beach Map No. 1189. Applicant: David Stebbins.

UPDATE: Subsequent to the end of the public review period for the environmental document, additional information was provided resulting in minor revision to the Mitigated Negative Declaration. Section 15073.5 (c)(4) of the California Environmental Quality Act Guidelines states that recirculation of the Mitigated Negative Declaration is not required when new information is added to the declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration. Minor revisions have been made to the Mitigated Negative Declaration and Initial Study. These revisions do not affect the conclusions of the environmental document. All changes and additions are shown in ~~strikeout~~/underline format.

UPDATE: Minor revisions to this document have been made when compared to the final Mitigated Negative Declaration. The changes do not affect the environmental analysis or conclusions of this document. All revisions are shown in a double ~~strikeout~~/underline format.

11/02/2006
and
01/23/2007

- I. PROJECT DESCRIPTION: See attached Initial Study.
- II. ENVIRONMENTAL SETTING: See attached Initial Study.
- III. DETERMINATION:

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following areas(s): **Archaeology**. Subsequent revisions in the project proposal create the specific mitigation identified in Section V of this Mitigated Negative Declaration. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.

IV. DOCUMENTATION:

The attached Initial Study documents the reasons to support the above Determination.

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

The mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

HISTORICAL RESOURCES (ARCHAEOLOGY)

I. Prior to Permit Issuance

A. Land Development Review (LDR) Plan Check

1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring, if applicable, have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the 1/4 mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.

- a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

- A. Monitor Shall be Present During Grading/Excavation/Trenching
 1. The monitor shall be present full-time during grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
 2. The monitor shall document field activity via the Consultant Site Visit Record (CSVSR). The CSVSR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.
- B. Discovery Notification Process
 1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.

3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
- C. Determination of Significance
1. The PI and Native American representative, if applicable, shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and the following procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

- A. Notification
1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
 2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.
- B. Isolate discovery site
1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
 2. The Medical Examiner, in consultation with the PI, shall determine the need for a field examination to determine the provenience.
 3. If a field examination is not warranted, the Medical Examiner shall determine with input from the PI, if the remains are or are most likely to be of Native American origin.
- C. If Human Remains **ARE** determined to be Native American
1. The Medical Examiner shall notify the Native American Heritage Commission (NAHC). By law, **ONLY** the Medical Examiner can make this call.
 2. The NAHC shall contact the PI within 24 hours or sooner, after Medical Examiner has completed coordination.

3. NAHC shall identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information..
4. The PI shall coordinate with the MLD for additional consultation.
5. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 24 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.
- D. If Human Remains are **NOT** Native American
 1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner and the Museum of Man.

V. Night Work

- A. If night work is included in the contract
 1. When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night work, The PI shall record the information on the CSV and submit to MMC via fax by 9am the following morning, if possible.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

A. Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. *Recording Sites with State of California Department of Parks and Recreation*
The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts

1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.

C. Curation of artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

VI. PUBLIC REVIEW DISTRIBUTION:

Draft copies or notice of this Mitigated Negative Declaration were distributed to:

City of San Diego

Development Services Department
Council District 2
Development Project Manager, Laila Iskandar
LDR-Planning, Corey Braun
LDR-Engineering, Sean Torres
Plan-Long Range Planning, Tony Kempton
Historical Resources Board, Mike Tudury
BDR-Geology, Jim Quinn

Other

James Scott Fleming
David Stebbins
Terry Brierton
Ocean Beach Planning Board
Ocean Beach Town Council
Ocean Beach Merchants Association

VII. RESULTS OF PUBLIC REVIEW:

- (X) No comments were received during the public input period.
- () Comments were received but did not address the draft Mitigated Negative Declaration finding or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.
- () Comments addressing the findings of the draft Mitigated Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public input period. The letters and responses follow.

Copies of the draft Mitigated Negative Declaration, the Mitigation, Monitoring and Reporting Program and any Initial Study material are available in the office of the Land Development Review Division for review, or for purchase at the cost of reproduction.

Allison Sherwood
Allison Sherwood, Senior Planner
Development Services Department

September 15, 2006
Date of Draft Report

October 30, 2006
Date of Final Report

Analyst: Cass

November 02, 2006
Date of Revised Final

January 23, 2007
Date of 2nd Revised Final

City of San Diego
Development Services Department
LAND DEVELOPMENT REVIEW DIVISION
1222 First Avenue, Mail Station 501
San Diego, CA 92101
(619) 446-6460

INITIAL STUDY
Project No. 51076

SUBJECT: Stebbins Residence: SITE DEVELOPMENT PERMIT and a COASTAL DEVELOPMENT PERMIT to demolish a single-level 1,250 square-foot residence and construct a 1,749 square-foot, three-level single dwelling unit with a subterranean parking garage on a 2,500 square-foot lot. The proposed project is located at 5166 West Point Loma Boulevard in the Ocean Beach Community Planning Area, Coastal Overlay Zone (appealable area), Coastal Height Limitation Overlay Zone, Airport Environs Overlay Zone (AEOZ), Airport Approach Overlay Zone (AAOZ) and the Ocean Beach Cottage Emerging Historic District. Legal Description: Lot 13 of Block 41, Map 1814 Wonderland Beach. Lot 14, Block 90 of Ocean Bay Beach Map No. 1189. Applicant: David Stebbins.

I. PURPOSE AND MAIN FEATURES:

The proposed project is a SITE DEVELOPMENT PERMIT and a COASTAL DEVELOPMENT PERMIT, to be considered by the Planning Commission (Process 4), for the demolition of a single-level 1,250 square-foot duplex and the construction of a three-level, 1,749 square-foot, single-family dwelling unit with a 2-car subterranean garage on a 2,500 square-foot lot located at 5166 West Point Loma Boulevard in the Ocean Beach Community Planning Area (See Figures 1 & 2).

The site is located within the 100-year floodplain (FEMA Zone A). As such, the project is required to comply with the Supplemental Regulations for Special Flood Hazard Areas as described in SDMC section 143.0146 (C) (6). ~~The project proposes a deviation to allow development of the lowest floor, including basement, to be below one foot above the base flood elevation where two feet is required in accordance with San Diego Municipal Code section 143.0146(C) (6).~~ The project proposes a deviation to allow the development of the residential structure to be at 7.1 feet below the Base Flood Elevation where 2 feet above the Based Flood Elevation is required.

The proposed 1,749 square-foot single-family residence would include an office, master bedroom and two bathrooms at the first level; a kitchen, dining room and a living room at the second level, and a loft on the third-floor level (which is open to the second-floor level). The project would also include a subterranean two-car garage with a storage area.

Exterior treatments include a stucco finish with glass blocks located on the north, south and west sides of the single-family residence. The second and third levels would include a foam shape cornice that would border each of those levels. Pipe railing would border the top of each level, along with a 2 ½ foot glass rail on both the second and third level decks on the west side of the structure. The eastern half of the roof would consist of a downward sloping concrete flat tile roofing, while the west half of the roof would consist of a flat roof (Figure 3).

The project site would continue to be accessed from West Point Loma Boulevard. Site drainage would be directed into the existing drainage system located on West Point Loma Boulevard via a sump pump and sidewalk underlain. Six-foot retaining walls would be constructed on both sides of the proposed subterranean garage. Grading would consist of approximately 190 cubic-yards of cut at depths to approximately 6 feet. The site is located within the Coastal Height Limitation Overlay Zone, and as such complies with the 30' height limit with a proposed height of 29'6".

II. ENVIRONMENTAL SETTING:

The previously developed 0.057-acre project site is located at 5166 West Point Loma Boulevard in Ocean Beach Planning Area. The site is designated Residential in the Ocean Beach Precise Plan, and is zoned RM-2-4 (Residential-Multiple Unit; permits a maximum density of 1 dwelling unit for each 1,750 square feet of lot area). Adjacent land uses include residential uses to the south, east, west. Ocean Beach Park is adjacent to the northwest and the Pacific Ocean is further northwest.

The proposed development site is located within an existing urbanized area currently served by police, fire, and emergency medical services. The location of the proposed development is approximately 0.6 miles away from the City of San Diego's Fire Station 15 which is located at 4711 Voltaire Street.

The property is developed with a single-level duplex. The developed site is relatively devoid of native vegetation and is relatively flat with an on-site elevation of 8 feet above mean sea level (AMSL). The site is neither within nor adjacent to Multi-Habitat Planning Area (MHPA) lands.

III. ENVIRONMENTAL ANALYSIS: See attached Initial Study checklist.

IV. DISCUSSION:

*During the environmental review of the project, it was determined that construction could potentially result in significant but mitigable impacts in the following area(s): **Historical Resources (Archaeology)***

Historical Resources (Archaeology):

According to the City's Historical Resources Sensitivity Map, the site is located in an area with a high potential for subsurface archaeological resources. The project would export approximately 190 cubic-yards of excavation. Due to the quantity of cut, the previously recorded archeological finds in close proximity to the site, and the potential for grading activities to impact archeological finds on-site, archeological monitoring would be required during grading activities. In the event that such resources are discovered, excavation would be halted or diverted, to allow recovery, evaluation, and recordation of materials. A Mitigation, Monitoring and Reporting Program, contained in Section V of the attached Mitigated Negative Declaration, would mitigate potentially significant archaeological resource impacts to below a level of significance.

The following environmental issues were considered in depth during the environmental review of the project and determined NOT to be potentially significant: Geology, Visual Effects/Public Views, Historical Resources (Architecture), Air Quality/Public Safety, Neighborhood Character.

Geology:

A Geotechnical Investigation and responses to reviews of the submitted documents were prepared for the project by Christian Wheeler Engineering titled, "Proposed Single Family Residence, 6155 West Point Loma Boulevard, San Diego CA," dated June 14, 2004 and August 05, 2005 respectively. The reports are summarized herein.

The project site is located within the City of San Diego geologic hazard categories 31 and 52. Hazard Category 52 is described as "other level areas gently sloping to steep terrain, favorable geologic structure, and low risk." Hazard category 31 refers to areas that are susceptible to liquefaction. The geotechnical report indicated that shallow groundwater is present at the site and that strong earthquake shaking may affect the site. A liquefaction analysis was performed to assess the probability of liquefaction. The results of the analysis indicate that the saturated portions of the beach deposits underlying the site possess factors-of-safety against soil liquefaction ranging from 0.4 to 0.7. As such, the site is subject to liquefaction. However, site preparation and foundation recommendations provide a life-safety performance level acceptable for the proposed single-family residence.

As delineated on the Flood Insurance Rate Map (FIRM), panels 1613F prepared by the Federal Emergency Management Agency, the site is located within the 100-year floodplain, and the garage would be below the 100-year flood level. The site is considered suitable for the proposed development provided the conditions in the Geotechnical Investigation are implemented. During exploratory borings, the groundwater table was found at a depth of approximately 5 feet below existing site grades (Elevation of 3 foot MSL) and is anticipated to fluctuate within 4 feet of existing site grades (Elevation 4 foot MSL). The subterranean garage, which would have a depth of 6 feet below existing grades, would be at least two feet below the high groundwater table. As such, a dewatering plan would be necessary during construction.

As outlined in Section 02140 of the City of San Diego CWP Guidelines, the responsibility for conducting the dewatering operation in a manner which will protect adjacent structures and facilities rests solely with the contractor. The contractor would make an independent investigation of the soil and groundwater conditions at the site. Prior to commencement of excavations, a detailed plan and schedule, with description for dewatering of excavation would be submitted with the dewatering plan. The plan would be signed by a California registered Civil Engineer, Geotechnical Engineer, Engineering Geologist or Hydrogeologist with experience of at least one dewatering operation of similar magnitude. Additionally, where critical structures or facilities exist immediately adjacent to areas of proposed dewatering, reference points would be established and observed daily to detect any settlement which may develop. A daily report would be maintained which would document the following: Groundwater elevation and changes in elevation of reference points to detect settlement in adjacent structures. After dewatering is discontinued, a weekly report would be maintained for two months

recording any change in elevation of reference points to detect settlement in adjacent structures. Additionally, the contractor would be responsible for obtaining an Industrial Waste Discharge Permit from the City's Metropolitan Wastewater Department, which would allow treated water to be discharged into the City's sewer system.

The report concludes that the proposed property would be suitable for the proposed construction provided the conclusions within the report are implemented. The recommended measures would be conditions of the permit, and therefore permit issuance would preclude a significant impact from geologic conditions.

With regards to the dewatering plan, it is not enforced through the discretionary process; however, compliance with the procedures for dewatering as outlined above would preclude potential impacts resulting from ground failure.

Visual Effects/Public Views:

A project would be considered to cause a significant effect to views under the California Environmental Quality Act (CEQA) if the project would either substantially block a public view through a designated public view corridor, or cause a substantial view blockage of a public resource that is considered significant by the applicable community plan. No designated public views within the project area are identified in the Ocean Beach Community Plan or Local Coastal Program. Additionally, the project would have to conform to San Diego Municipal Code section 132.0403 (b), which states that, "A visual corridor of not less than the side yard setbacks or more than ten feet in width, running the full depth of the premises, shall be preserved as a deed restriction as a condition of the Coastal Development Permit whenever the following conditions exist: (1) the proposed development lies between the shoreline and the first public roadway and (2) the requirements for the visual corridor is feasible and will serve to preserve, enhance or restore public views of the ocean or shoreline as identified in the applicable community plan."

In accordance with SDMC 132.0403 (b), the applicant would be required to record a deed restriction preserving a visual corridor of 3 feet along the eastern property line and 3 feet along the western property line, running the full depth of the premises, which would be a condition of the Coastal Development Permit.

The height of the project would not exceed 30 feet at the highest point. The second floor, which is 744 square-feet, has been scaled back from the first floor, which is 815 square-feet. The third story, which is 190 square-feet, incorporates a sloped roof (5:12 pitch). Compliance with the 30 foot height restriction, the deed restriction preserving a visual corridor pursuant to SDMC 132.0403 (b) and the proposed design of the scaled back second and third floors would preclude a significant impact to views.

Historical Resources (Architecture):

As a baseline, the City of San Diego has established a threshold of 45 years of age to determine historical significance under the California Environmental Quality Act (CEQA). CEQA Public Resources Code section 21084.1 states that "a project that may cause a substantial adverse change in the significance of a historical resource is a project that may cause a significant effect on the environment." A historical resource is a resource that is listed in, or determined to be eligible for, the California Register of Historical Resources. Historical resources that are listed in a local historical register are

presumed to be historically significant, unless a preponderance of the evidence indicates the resource is historically significant.

The duplex proposed for demolition was constructed in 1955; and was therefore, further evaluated to determine historical significance under CEQA. The Environmental Analysis Section and the Historical Resources Board staff reviewed the structure and determined that the structure does not possess integrity of setting, location, design, materials, workmanship, or association with individuals of local, statewide or national importance. The structure does not meet any of the criteria for historical designation.

With regards to listing in a local register, the site is located within the geographic boundaries of the Ocean Beach Emerging Historic District (OBC-EHD) and was evaluated for the structure's potential contribution to the emerging district. The OBC-EHD is a locally designated historic district that is listed on a local register of historical resources; therefore, the OBC-EHD meets the definition of a historical resource pursuant to section 5024.1 of the CEQA Public Resources Code.

However, the duplex does not meet the 1887-1931 period of significance established for the emerging district, as the duplex was constructed in 1955. Furthermore, the duplex does not meet the architectural qualities or description that the majority of current contributors to the district possess, i.e. Craftsman Bungalows, Craftsman Cottages. Given that the duplex is not listed or eligible for listing in the California Register of Historical Resources, nor is the structure a contributor to the OBC-EHD, demolition of the duplex would not result in an adverse effect to a historical resource.

Neighborhood Character:

A project would be considered to cause a significant effect to neighborhood character under the California Environmental Quality Act (CEQA) if the project would exceed the height or bulk regulations and the existing patterns of development in the surrounding area by a significant margin.

The proposed project would conform to all of the zoning regulations of the underlying zone pertaining to height and floor-area ratio (FAR). Additionally, there are similar developments, in terms of bulk and scale, in close proximity to the subject property. As such, project implementation would not result in a significant impact to neighborhood character.

Air Quality/Public Safety:

The project is proposing to demolish a duplex which may contain asbestos and lead-based paint and if so, could potentially pose a risk to human health and public safety. While the City of San Diego does not have permitting authority over the handling of hazardous material, all demolition activities must be conducted in accordance with the San Diego County Air Pollution Control District (SDAPCD) Rules 361.140 through 361.156 and the California Code of Regulations Title 8 and 17 regarding the handling and disposal of Asbestos-containing materials and Lead-based paints, respectively.

The SDAPCD requires a project follow special procedures during demolition, renovation, and removal of asbestos containing material. In addition, the SDAPCD must be notified in writing at least 10 days in advance of any demolition regardless of whether any asbestos is present or not. Failure to meet these requirements would result in the issuance of a Notice of Violation.

If the testing shows the presence of asbestos or lead-based paints, then proper precautions must be made during the removal and disposal of asbestos or lead-based paint containing materials. The removal and disposal of these materials is regulated by state agencies (Cal-OSHA and Cal-EPA), the SDAPCD, and the County of San Diego Department of Environmental Health (DEH). These agencies ensure that the demolition crew, adjacent residents, or other individuals are not exposed to these hazardous building materials.

Because the above-mentioned State and County agencies oversee asbestos and lead-based paint removal, and it is required of the applicant to notify these agencies prior to any demolition activities as per state and county law, human health and public safety impacts due to the demolition of the on-site structures would be below a level of significance. Notice to the SDAPCD is required and would be incorporated as a condition of the permit. Therefore, no mitigation would be required.

V. RECOMMENDATION:

On the basis of this initial evaluation:

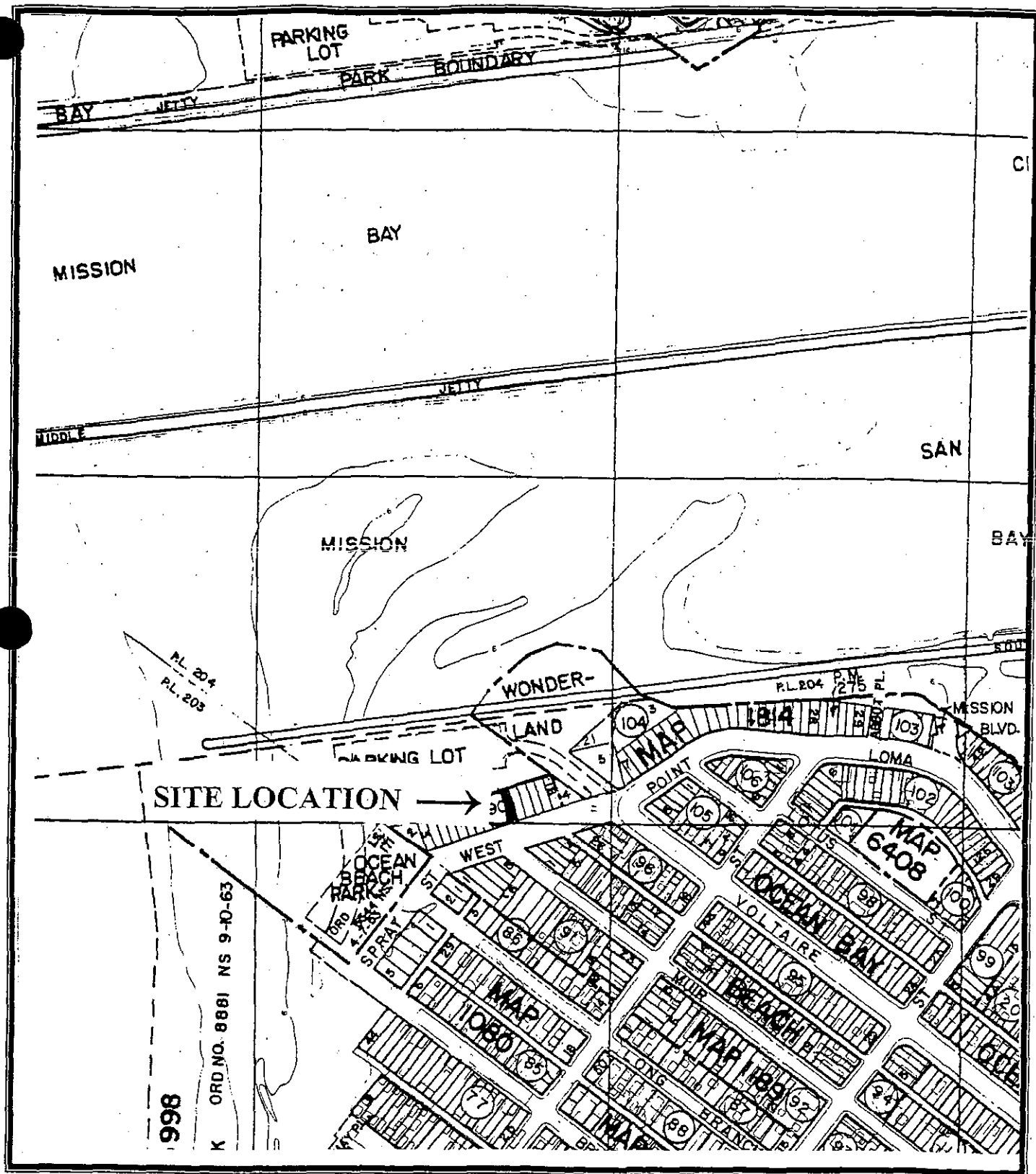
_____ The proposed project would not have a significant effect on the environment, and a NEGATIVE DECLARATION should be prepared.

X Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section IV above have been added to the project. A MITIGATED NEGATIVE DECLARATION should be prepared.

_____ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT should be required.

PROJECT ANALYST: Cass

Attachments: Figure 1 (Location Map)
Figure 2 (Site Plan)
Figure 3 (Elevations)
Checklist



Stebbins Residence

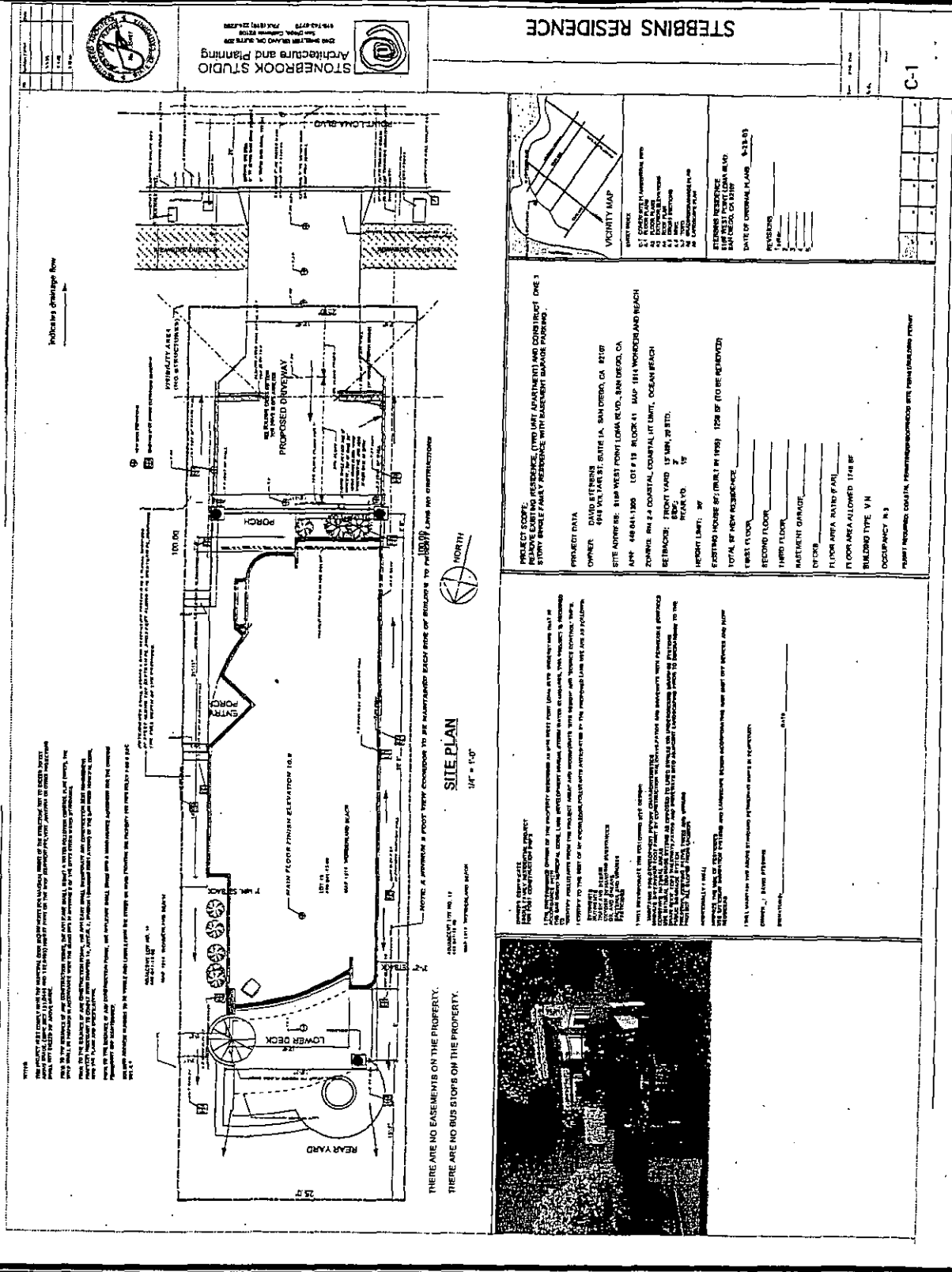


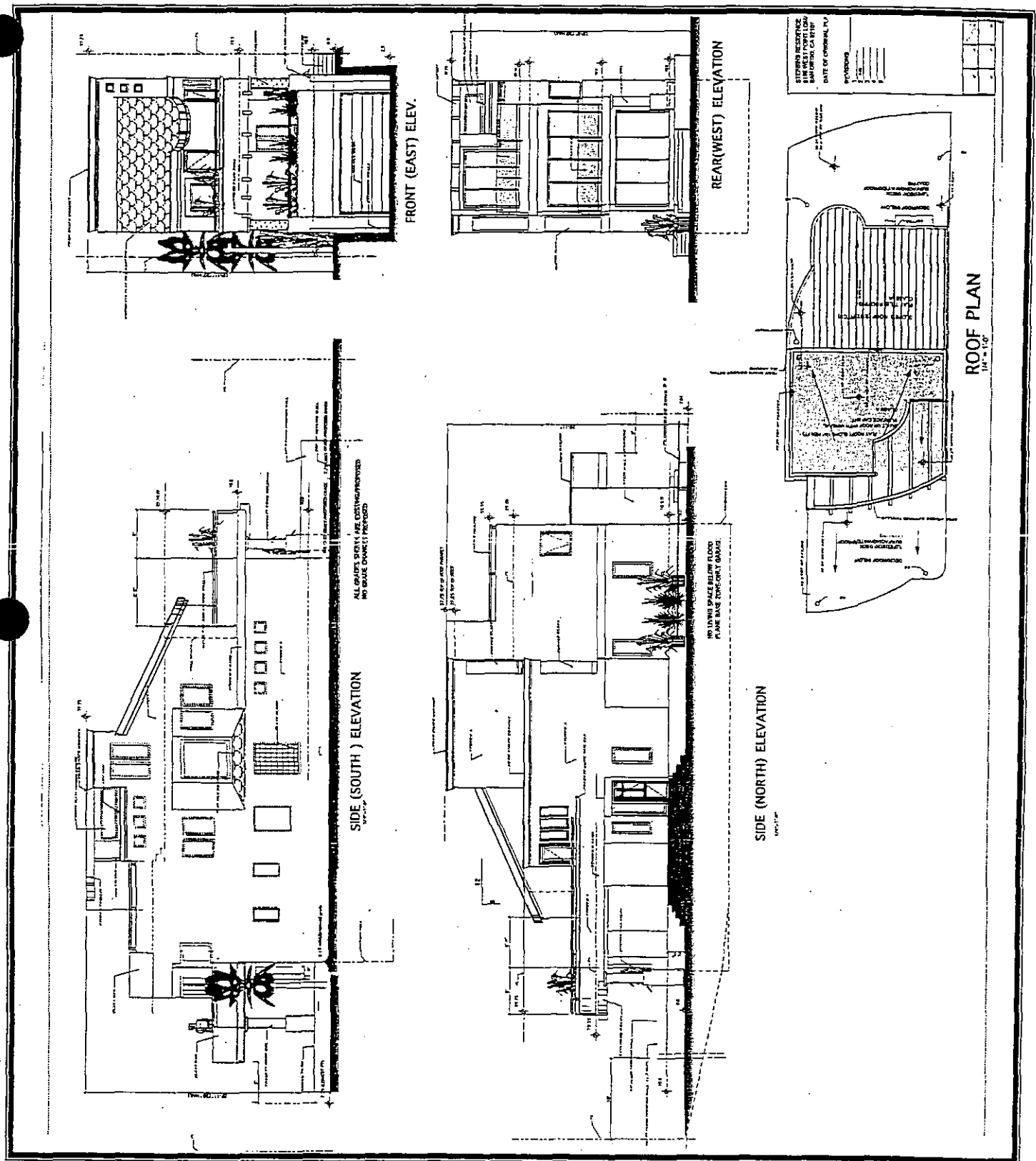
Location Map

Environmental Analysis Section Project No. 51076
CITY OF SAN DIEGO · DEVELOPMENT SERVICES

Figure

1





Stebbins Residence



Elevations

Environmental Analysis Section Project No. 51076
CITY OF SAN DIEGO · DEVELOPMENT SERVICES

Figure

3

Initial Study Checklist

Date: September 22, 2005

Project No.: 51076

Name of Project: Stebbins Residence

III. ENVIRONMENTAL ANALYSIS:

The purpose of the Initial Study is to identify the potential for significant environmental impacts which could be associated with a project pursuant to Section 15063 of the State CEQA Guidelines. In addition, the Initial Study provides the lead agency with information which forms the basis for deciding whether to prepare an Environmental Impact Report, Negative Declaration or Mitigated Negative Declaration. This Checklist provides a means to facilitate early environmental assessment. However, subsequent to this preliminary review, modifications to the project may mitigate adverse impacts. All answers of "yes" and "maybe" indicate that there is a potential for significant environmental impacts and these determinations are explained in Section IV of the Initial Study.

Yes Maybe No

I. AESTHETICS / NEIGHBORHOOD CHARACTER – Will the proposal result in:

- A. The obstruction of any vista or scenic view from a public viewing area?

— √ —

The project would be required to record a deed restriction preserving a visual corridor. See Visual Effect/Public View discussion in the Initial Study.

- B. The creation of a negative aesthetic site or project?

— √ —

The project would conform to all height, bulk and scale regulations. See Neighborhood Character discussion in the Initial Study.

- C. Project bulk, scale, materials, or style which would be incompatible with surrounding development?

— √ —

See I-B.

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
D. Substantial alteration to the existing character of the area? <u>Similar developments in terms of architectural style exists within the area. See Neighborhood Character discussion in the Initial Study.</u>	—	<u>√</u>	—
E. The loss of any distinctive or landmark tree(s), or a stand of mature trees? <u>There are no distinctive or landmark tree(s), or a stand of mature trees on the site.</u>	—	—	<u>√</u>
F. Substantial change in topography or ground surface relief features? <u>The project proposes grading; however, implementation of the project would not result in a substantial change in topography since the grading is minimal and the topography is flat.</u>	—	—	<u>√</u>
G. The loss, covering or modification of any unique geologic or physical features such as a natural canyon, sandstone bluff, rock outcrop, or hillside with a slope in excess of 25 percent? <u>The project site is located on relatively flat land with no unique geological features in close proximity.</u>	—	—	<u>√</u>
H. Substantial light or glare? <u>The project does not propose construction with reflective materials or outdoor lighting.</u>	—	—	<u>√</u>
I. Substantial shading of other properties? <u>The project's second and third levels have been scaled back, and the project complies with the height regulations. As such, no substantial amount of shading would occur.</u>	—	—	<u>√</u>

Yes Maybe No

II. AGRICULTURE RESOURCES / NATURAL RESOURCES / MINERAL RESOURCES – Would the proposal result in:

- A. The loss of availability of a known mineral resource (e.g., sand or gravel) that would be of value to the region and the residents of the state?

The project site is on urban land that has been previously developed. No known mineral resources are present.

— — ✓

- B. The conversion of agricultural land to nonagricultural use or impairment of the agricultural productivity of agricultural land?

The project site is located within a developed urbanized area.

— — ✓

III. AIR QUALITY – Would the proposal:

- A. Conflict with or obstruct implementation of the applicable air quality plan?

The project would not generate vehicle trips. However, demolition activities could impact air quality. See Air Quality discussion in the Initial Study.

— ✓ —

- B. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

See III-A.

— ✓ —

- C. Expose sensitive receptors to substantial pollutant concentrations?

No impact to sensitive receptors would occur.

— — ✓

- D. Create objectionable odors affecting a substantial number of people?

The proposed project is a single-family residence and would not generate objectionable odors.

— — ✓

	Yes	Maybe	No
E. Exceed 100 pounds per day of Particulate Matter 10 (dust)? <u>There is a potential for the creation of dust during demolition and grading. However, grading would not exceed the threshold of 100 pound per day of particulate matter. The City Municipal Code requires dust suppression measures be implemented during construction activities.</u>	—	—	<u>√</u>
F. Alter air movement in the area of the project? <u>Air movement would not be substantially altered.</u>	—	—	<u>√</u>
G. Cause a substantial alteration in moisture, or temperature, or any change in climate, either locally or regionally? <u>The project proposes demolition of a single-family residence. No such alteration would occur.</u>	—	—	<u>√</u>

IV. BIOLOGY – Would the proposal result in:

A. A reduction in the number of any unique, rare, endangered, sensitive, or fully protected species of plants or animals? <u>There are no such species of plants or animals on or adjacent to the project site.</u>	—	—	<u>√</u>
B. A substantial change in the diversity of any species of animals or plants? <u>See IV-A.</u>	—	—	<u>√</u>
C. Introduction of invasive species of plants into the area? <u>Landscaping would be in conformance with the City's Landscape Technical Manual.</u>	—	—	<u>√</u>
D. Interference with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors? <u>No such corridors exist on or adjacent to the project site.</u>	—	—	<u>√</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
E. An impact to a sensitive habitat, including, but not limited to streamside vegetation, aquatic, riparian, oak woodland, coastal sage scrub or chaparral? <u>See IV-A.</u>	—	—	<u>√</u>
F. An impact on City, State, or federally regulated wetlands (including, but not limited to, coastal salt marsh, vernal pool, lagoon, coastal, etc.) through direct removal, filling, hydrological interruption or other means? <u>There are no wetlands on-site.</u>	—	—	<u>√</u>
G. Conflict with the provisions of the City's Multiple Species Conservation Program Subarea Plan or other approved local, regional or state habitat conservation plan? <u>Project is not within or adjacent to the MHPA.</u> <u>See IV-A.</u>	—	—	<u>√</u>
V. ENERGY – Would the proposal:			
A. Result in the use of excessive amounts of fuel or energy (e.g. natural gas)? <u>The proposed residential development would not use excessive amounts of fuel or energy.</u>	—	—	<u>√</u>
B. Result in the use of excessive amounts of power? <u>See V-A.</u>	—	—	<u>√</u>
VI. GEOLOGY/SOILS – Would the proposal:			
A. Expose people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? <u>The proposed project lies within Geologic Hazard Zone 52 and zone 31. See Geology discussion and discussion in the Initial Study.</u>	—	<u>√</u>	—
B. Result in a substantial increase in wind or water erosion of soils, either on or off the site? <u>No such erosion would occur.</u>	—	—	<u>√</u>

Yes Maybe No

- C. Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?
See VI-A.

— ✓ —

VII. HISTORICAL RESOURCES – Would the proposal result in:

- A. Alteration of or the destruction of a prehistoric or historic archaeological site?
The project site is located within an area that is considered a high sensitivity area for archaeological finds. As such, archaeological monitoring would be required during grading. See Initial Study Discussion.

— ✓ —

- B. Adverse physical or aesthetic effects to a prehistoric or historic building, structure, object, or site?
The project proposes to demolish a single-family residence which was determined not to possess any potential for architectural significance, architect of note, resident/owner of note or an association with a significant event. See Historical (Architecture) discussion in the Initial Study.

— ✓ —

- C. Adverse physical or aesthetic effects to an architecturally significant building, structure, or object?
See VII-B.

— ✓ —

- D. Any impact to existing religious or sacred uses within the potential impact area?
No documented areas of religious or sacred uses within the potential impact area.

— — ✓

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
E. The disturbance of any human remains, including those interred outside of formal cemeteries?	—	—	<u>√</u>
<u>No such documented areas are located within the potential impact area.</u>			

VIII. HUMAN HEALTH / PUBLIC SAFETY / HAZARDOUS MATERIALS: Would the proposal:

A. Create any known health hazard (excluding mental health)?	—	<u>√</u>	—
<u>Project implementation would not result in any know health hazard. Proper handling of potential asbestos containing materials would be required during demolition activities. See Air Quality discussion in the Initial Study.</u>			
B. Expose people or the environment to a significant hazard through the routine transport, use or disposal of hazardous materials?	—	—	<u>√</u>
<u>The project proposes no transportation, usage or disposal of hazardous materials.</u>			
C. Create a future risk of an explosion or the release of hazardous substances (including but not limited to gas, oil, pesticides, chemicals, radiation, or explosives)?	—	—	<u>√</u>
<u>No such risk of an explosion would occur.</u>			
D. Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	—	—	<u>√</u>
<u>The project would not interfere with such plans.</u>			
E. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or environment?	—	—	<u>√</u>
<u>The site is not listed on the County's DEH SAM case listing.</u>			

Yes Maybe No

- F. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

See VIII-A.

— ✓ —

IX. HYDROLOGY/WATER QUALITY – Would the proposal result in:

- A. An increase in pollutant discharges, including down stream sedimentation, to receiving waters during or following construction? Consider water quality parameters such as temperature dissolved oxygen, turbidity and other typical storm water pollutants.

No such increase is expected.

— — ✓

- B. An increase in impervious surfaces and associated increased runoff?

An increase in impervious surfaces would occur; however, appropriate Best Management Practices would be required as conditions of the permit.

— — ✓

- C. Substantial alteration to on- and off-site drainage patterns due to changes in runoff flow rates or volumes?

The project would not result in a change to the drainage pattern. Drainage would be filtered by pervious planted areas before being discharged into West Point Loma Boulevard.

— — ✓

- D. Discharge of identified pollutants to an already impaired water body (as listed on the Clean Water Act Section 303(d) list)?

See IX-C.

— — ✓

	Yes	Maybe	No
E. A potentially significant adverse impact on ground water quality? <u>Water would be treated before being discharged into the storm drain. As such, the project would not result in a significant impact to water quality.</u>	—	—	<u>√</u>
F. Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses? <u>See IX-A. and -B.</u>	—	—	<u>√</u>
X. LAND USE – Would the proposal result in:			
A. A land use which is inconsistent with the adopted community plan land use designation for the site or conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over a project? <u>The Ocean Beach Community Plan designates the site as a Residential (15-24 units/acre for each ½ block). The project would not be inconsistent with the Ocean Beach Community Plan. With respect to underlying zone, the project proposes a deviation for building below the Base Flood Elevation; however, compliance with engineering standards would preclude a significant impact.</u>	—	—	<u>√</u>
B. A conflict with the goals, objectives and recommendations of the community plan in which it is located? <u>See X-A.</u>	—	—	<u>√</u>
C. A conflict with adopted environmental plans, including applicable habitat conservation plans adopted for the purpose of avoiding or mitigating an environmental effect for the area? <u>The project would not impact any sensitive biological resources. Additionally, the project is not adjacent to the MHPA.</u>	—	—	<u>√</u>

- | | <u>Yes</u> | <u>Maybe</u> | <u>No</u> |
|--|------------|--------------|-----------|
| D. Physically divide an established community?
<u>The proposed project is a single-family residential dwelling unit that would be surrounded by other residential dwelling units. As such, the project would not divide an established community.</u> | — | — | <u>√</u> |
| E. Land uses which are not compatible with aircraft accident potential as defined by an adopted airport Airport Comprehensive Land Use Plan (CLUP)?
<u>A recorded avigation easement would be provided to bring the development into compliance with the Airport Comprehensive Land Use Plan (ALUCP).</u> | — | — | <u>√</u> |

XI. NOISE – Would the proposal result in:

- | | | | |
|---|---|---|----------|
| A. A significant increase in the existing ambient noise levels?
<u>The project is a single-family residence and would not result in an increase to the existing ambient noise level.</u> | — | — | <u>√</u> |
| B. Exposure of people to noise levels which exceed the City's adopted noise ordinance?
<u>The site is located within a residential area and would not result in the exposure of people to noise levels in excess of the City's adopted noise ordinance.</u> | — | — | <u>√</u> |
| C. Exposure of people to current or future transportation noise levels which exceed standards established in the Transportation Element of the General Plan or an adopted airport Comprehensive Land Use Plan?
<u>Traffic on West Point Loma Boulevard is well below the transportation standards established in the Transportation Element of the General Plan. Additionally, a recorded avigation easement would be provided before construction activities commenced.</u> | — | — | <u>√</u> |

Yes Maybe No

XII. PALEONTOLOGICAL RESOURCES: Would the proposal impact a unique paleontological resource or site or unique geologic feature?

The project site is underlain by the Bay Point formation, which has a high potential for paleontological finds. However, the project proposes excavation of 190 cubic-yards at depths of less than ten feet. Therefore, paleontological monitoring would not be required.

— — ✓

XIII. POPULATION AND HOUSING – Would the proposal:

A. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

The project would not induce substantial population growth.

— — ✓

B. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

The project proposes the replacement of a single-family residence.

— — ✓

C. Alter the planned location, distribution, density or growth rate of the population of an area?

The density of the population would not be increased.

— — ✓

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
XIV. PUBLIC SERVICES – Would the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:			
A. Fire protection? <u>Proposed project would be developed in an urbanized area and it is not anticipated to have a significant affect on fire protection. Fire Protection would be available to the new development.</u>	—	—	<u>√</u>
B. Police protection? <u>Police protection would be available to the new development. See XIV-A.</u>	—	—	<u>√</u>
C. Schools? <u>The project would not have a significant impact on schools.</u>	—	—	<u>√</u>
D. Parks or other recreational facilities? <u>No effect would occur.</u>	—	—	<u>√</u>
E. Maintenance of public facilities, including roads? <u>Maintenance of public facilities would not be affected with the project being developed. See XIV-A.</u>	—	—	<u>√</u>
F. Other governmental services? <u>No effect would occur. See XIV-A.</u>	—	—	<u>√</u>

XV. RECREATIONAL RESOURCES – Would the proposal result in:

A. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? <u>The project would not have an affect on recreational resources.</u>	—	—	<u>√</u>
--	---	---	----------

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
B. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? <u>No such adverse effects would occur. See X-V.</u>	—	—	<u>√</u>

XVI. TRANSPORTATION/CIRCULATION – Would the proposal result in:

A. Traffic generation in excess of specific/ community plan allocation? <u>The project would not increase traffic.</u>	—	—	<u>√</u>
B. An increase in projected traffic which is substantial in relation to the existing traffic load and capacity of the street system? <u>See XVI-A.</u>	—	—	<u>√</u>
C. An increased demand for off-site parking? <u>The project would provide adequate parking.</u>	—	—	<u>√</u>
D. Effects on existing parking? <u>See XVI-A</u>	—	—	<u>√</u>
E. Substantial impact upon existing or planned transportation systems? <u>The proposed project would not create a substantial affect on existing or planned transportation systems.</u>	—	—	<u>√</u>
F. Alterations to present circulation movements including effects on existing public access to beaches, parks, or other open space areas? <u>Public access to any such areas would not be impacted.</u>	—	—	<u>√</u>
G. Increase in traffic hazards for motor vehicles, bicyclists or pedestrians due to a proposed, non- standard design feature (e.g., poor sight distance or driveway onto an access-restricted roadway)? <u>The project would be designed to engineering standards. No such impacts would result.</u>	—	—	<u>√</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
H. A conflict with adopted policies, plans or programs supporting alternative transportation models (e.g., bus turnouts, bicycle racks)? <u>No such impacts would occur.</u>	—	—	<u>√</u>
XVII. UTILITIES – Would the proposal result in a need for new systems, or require substantial alterations to existing utilities, including:			
A. Natural gas? <u>The proposed project would not require new systems or substantial alterations to existing natural gas utilities.</u>	—	—	<u>√</u>
B. Communications systems? <u>No new systems or substantial alterations would be required. See XVII-A.</u>	—	—	<u>√</u>
C. Water? <u>No new systems or substantial alterations would be required. See XVII-A.</u>	—	—	<u>√</u>
D. Sewer? <u>No new systems or substantial alterations would be required. See XVII-A.</u>	—	—	<u>√</u>
E. Storm water drainage? <u>Storm Water drainage would be developed and maintained in accordance with the City's Storm Water Guidelines. No new or substantial alterations would be required.</u>	—	—	<u>√</u>
F. Solid waste disposal? <u>No new systems or substantial alterations would be required. See XVII-A.</u>	—	—	<u>√</u>
XVIII. WATER CONSERVATION – Would the proposal result in:			
A. Use of excessive amounts of water? <u>Project would not use excessive amounts of water.</u>	—	—	<u>√</u>

- B. Landscaping which is predominantly non-drought resistant vegetation?
Landscaping would be consistent with the City's Landscaping Regulations.

<u>Yes</u>	<u>Maybe</u>	<u>No</u>
—	—	<u>√</u>

XIX. MANDATORY FINDINGS OF SIGNIFICANCE:

- A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?
No sensitive vegetation exists on-site. The project does not have the potential to affect any of the above.

—	—	<u>√</u>
---	---	----------

- B. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts would endure well into the future.)
Project is consistent with the long-term vision and would not achieve short-term goals to the disadvantage of long-term goals.

—	—	<u>√</u>
---	---	----------

- C. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)
The project would not contribute to cumulative impacts.

—	—	<u>√</u>
---	---	----------

D. Does the project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly?

The proposed project would not cause substantial adverse environmental effects on human beings, either directly or indirectly.

Yes Maybe No

— — ✓

INITIAL STUDY CHECKLIST

REFERENCES

I. Aesthetics / Neighborhood Character

____ City of San Diego Progress Guide and General Plan.

✓ Community Plan.

✓ Local Coastal Plan.

II. Agricultural Resources / Natural Resources / Mineral Resources

____ City of San Diego Progress Guide and General Plan.

✓ U.S. Department of Agriculture, Soil Survey - San Diego Area, California, Part I and II, 1973.

____ California Department of Conservation - Division of Mines and Geology, Mineral Land Classification.

____ Division of Mines and Geology, Special Report 153 - Significant Resources Maps.

____ Site Specific Report: _____

III. Air

____ California Clean Air Act Guidelines (Indirect Source Control Programs) 1990.

✓ Regional Air Quality Strategies (RAQS) - APCD.

____ Site Specific Report:

IV. Biology

✓ City of San Diego, Multiple Species Conservation Program (MSCP), Subarea Plan, 1997

____ City of San Diego, MSCP, "Vegetation Communities with Sensitive Species and Vernal Pools" maps, 1996.

✓ City of San Diego, MSCP, "Multiple Habitat Planning Area" maps, 1997.

____ Community Plan - Resource Element.

____ California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered, Threatened, and Rare Plants of California," January 2001.

____ California Department of Fish & Game, California Natural Diversity Database, "State and Federally-listed Endangered and Threatened Animals of California," January 2001.

____ City of San Diego Land Development Code Biology Guidelines.

____ Site Specific Report:

V. Energy N/A

VI. Geology/Soils

____ City of San Diego Seismic Safety Study.

____ U.S. Department of Agriculture Soil Survey - San Diego Area, California, Part I and II, December 1973 and Part III, 1975.

√ Site Specific Report: *Proposed Single Family Residence, 6155 West Point Loma Boulevard, San Diego CA,* " dated June 14, 2004 and responses dated August 05, 2005.

VII. Historical Resources

√ City of San Diego Historical Resources Guidelines.

√ City of San Diego Archaeology Library.

√ Historical Resources Board List.

____ Community Historical Survey:

____ Site Specific Report: _____.

VIII. Human Health / Public Safety / Hazardous Materials

√ San Diego County Hazardous Materials Environmental Assessment Listing, 2004.

____ San Diego County Hazardous Materials Management Division

☐ FAA Determination

☐ State Assessment and Mitigation, Unauthorized Release Listing, Public Use Authorized 1995.

☒ Airport Comprehensive Land Use Plan.

☐ Site Specific Report: _____

IX. Hydrology/Water Quality

☒ Flood Insurance Rate Map (FIRM).

☒ Federal Emergency Management Agency (FEMA), National Flood Insurance Program - Flood Boundary and Floodway Map.

☒ Clean Water Act Section 303(d) list, dated July, 2003,
http://www.swrcb.ca.gov/tmdl/303d_lists.html).

X. Land Use

☒ City of San Diego Progress Guide and General Plan.

☒ Community Plan.

☒ Airport Comprehensive Land Use Plan

☒ City of San Diego Zoning Maps

☐ FAA Determination

XI. Noise

☒ Community Plan

☒ San Diego International Airport - Lindbergh Field CNEL Maps.

☐ Brown Field Airport Master Plan CNEL Maps.

☐ Montgomery Field CNEL Maps.

☐ San Diego Association of Governments - San Diego Regional Average Weekday Traffic Volumes.

___ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.

___ City of San Diego Progress Guide and General Plan.

√ Site Specific Report:

XII. Paleontological Resources

√ City of San Diego Paleontological Guidelines.

√ Deméré, Thomas A., and Stephen L. Walsh, "Paleontological Resources City of San Diego," Department of Paleontology San Diego Natural History Museum, 1996.

√ Kennedy, Michael P., and Gary L. Peterson, "Geology of the San Diego Metropolitan Area, California. Del Mar, La Jolla, Point Loma, La Mesa, Poway, and SW 1/4 Escondido 7 1/2 Minute Quadrangles," California Division of Mines and Geology Bulletin 200, Sacramento, 1975.

___ Kennedy, Michael P., and Siang S. Tan, "Geology of National City, Imperial Beach and Otay Mesa Quadrangles, Southern San Diego Metropolitan Area, California," Map Sheet 29, 1977.

___ Site Specific Report:_____.

XIII. Population / Housing

___ City of San Diego Progress Guide and General Plan.

√ Community Plan.

___ Series 8 Population Forecasts, SANDAG.

___ Other:_____.

XIV. Public Services

___ City of San Diego Progress Guide and General Plan.

√ Community Plan.

XV. Recreational Resources

___ City of San Diego Progress Guide and General Plan.

√ Community Plan.

___ Department of Park and Recreation

___ City of San Diego - San Diego Regional Bicycling Map

___ Additional Resources: _____

XVI. Transportation / Circulation

___ City of San Diego Progress Guide and General Plan.

√ Community Plan.

___ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.

___ San Diego Region Weekday Traffic Volumes, SANDAG.

___ Site Specific Report:

XVII. Utilities

√ Community Plan

XVIII. Water Conservation N/A

___ Sunset Magazine, New Western Garden Book. Rev. ed. Menlo Park, CA: Sunset Magazine.

001027



THE CITY OF SAN DIEGO

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Development Permit Appeal Application

335

9/25

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

SAN DIEGO, CALIF.

1. Type of Appeal:

- ☐ Process Two Decision - Appeal to Planning Commission
☐ Process Three Decision - Appeal to Planning Commission
☐ Process Three Decision - Appeal to Board of Zoning Appeals

- ☐ Appeal of a Hearing Officer Decision to revoke a permit
☒ Process Four Decision - Appeal to City Council

2. Appellant Name Please check one ☐ Applicant ☐ Officially recognized Planning Committee ☒ "Interested Person" (Per M.C. Sec. 113.0103)

1. Randy Ber-Kman

2. Randy Watson

Address

1. Box 7049

City

San Diego

State

CA

Zip Code

92167

Telephone

(619) 223 3928

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

David Stebbins "Stebbins Residence Project #51076"

4. Project Information

Permit/Approval Being Appealed & Permit/Approval No.:

Date of Decision:

March 1, 2007

City Project Manager:

Laila Iskander

Decision (describe the permit/approval decision):

1. Site Development Permit #389439

2. Coastal Development Permit #47134

3. Mitigated Negative Declaration #51076

5. Reason for Appeal

- ☒ Factual Error ☒ New Information
☒ Conflict with other matters ☒ City-wide Significance (Process Four decisions only)
☒ Findings Not Supported

Description of Reasons for Appeal (Please relate your description to the allowable reasons for appeal noted above. Attach additional sheets if necessary.)

See Attached

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

1. Randy Ber-Kman

Signature 2. [Signature]

March 13, 2007

Date MARCH 14, 2007

Note: Faxed appeals are not accepted.

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DS-3031 (03-03)

EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO335
9/25

DATE ISSUED: May 16, 2007 REPORT NO: 07-091
ATTENTION: Council President and City Council
ORIGINATING DEPARTMENT: Development Services Department
SUBJECT: Stebbins Residence, Project No. 51076
COUNCIL DISTRICT(S): 2
CONTACT/PHONE NUMBER: Laila Iskandar, 619-446-5297, liskandar@sanidiego.gov

REQUESTED ACTION: This is an appeal of the Planning Commission's decision to approve a Coastal Development Permit (CDP), and Site Development Permit (SDP) to allow the demolition of an existing duplex, and the construction of a new three-story single family residence above a basement garage, including a deviation from the regulations for Special Flood Hazard Areas.

STAFF RECOMMENDATION: DENY the appeal and APPROVE Coastal Development Permit No. 147134, and Site Development Permit No. 389939, and CERTIFY Mitigated Negative Declaration No. 51076, and ADOPT the Mitigation, Monitoring, and Reporting Program.

EXECUTIVE SUMMARY: The project is located at 5166 West point Loma Boulevard within the Ocean Beach Precise Plan. The issue before the City Council is the appeal of the Planning Commission's decision to allow the demolition of a one-story duplex, and the construction of a new three-story single family residence above a basement garage, and allow for a deviation from the regulations for Special Flood Hazard Areas. The project site is within the 100 year floodplain and is therefore considered environmentally sensitive land. The property is relatively flat with an elevation of 8 feet above mean sea level and does not include any sensitive topographical or biological resources. The site is neither within nor adjacent to Multi-Habitat Planning Area (MHPA) lands. A Mitigated Negative Declaration dated November 2, 2006, has been prepared for this project in accordance with State CEQA guidelines, and a Mitigation, Monitoring and Reporting Program is required for Archaeological Resources to reduce any potential impacts to below a level of significance.

In addition, the following environmental issues were considered in depth during the environmental review of the project and determined NOT to be potentially significant: Geology, Visual Effects/Public Views, Historical Resources (Architecture), Air Quality/Public Safety, and Neighborhood Character, however, no significant impacts were identified.

The requested deviation is to allow development of the residential structure, to be at 7.1 feet below the Base Flood Elevation where two (2) feet above the Base Flood Elevation is required.

Staff believes that MND No. 51076 adequately addresses the project's potential impacts, and that implementation of the MMRP would avoid or reduce such impacts to below a level of significance.

An appeal of the Planning Commission's decision was filed asserting factual error, conflict with other matters, and findings not supported, new information, and city-wide significance (Attachment 13). Staff has provided a response to each issue and continues to support the project.

FISCAL CONSIDERATIONS: None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: On February 8, 2007, the Planning Commission requested a continuance of the subject project to a date certain of March 1, 2007 to address specific issues related to flood-proofing of the proposed structure.

The applicant responded to these issues at the March 1, 2007 Planning Commission, hearing, resulting in unanimous approval by the Planning Commission.

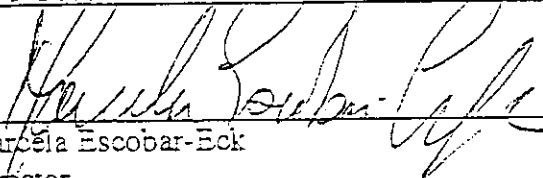
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: The Ocean Beach Planning Board met on July 5, 2006. There were two motions presented concerning this property and neither one passed.

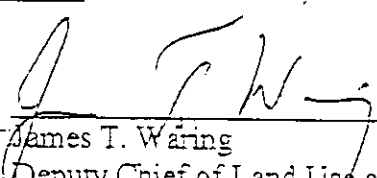
- The first motion was to approve the project as presented. The motion failed by a vote of 4-4-0
- The subsequent motion was to deny the project as presented due to the bulk and scale. This motion also failed by a vote of 4-4-0.

Various board members noted that the new residence would represent a significant improvement over the existing duplex, and would improve the character of the general neighborhood. In addition, the change from a duplex to a single family residence would reduce density in the area.

Various board members noted concerns about the height of the project, and that other properties on the block might be re-developed to similar heights, altering the character of the neighborhood. Their concern is that subsequent development might create a corridor of tall buildings on the block. The suggestion was to restrict the project to two stories.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: David Stebbins, Owner/Applicant


 Marcela Escobar-Eck
 Director
 Development Services Department
 Originating Department


 James T. Waring
 Deputy Chief of Land Use and
 Economic Development
 Deputy Chief/Chief Operating Officer

NOTICE OF DETERMINATION

TO: X Recorder/County Clerk
P.O. Box 1750, MS A33
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2422

FROM: City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

Project Number: 51076

Project Title: Stebbins Residence

Project Location: San Diego, California - The proposed project is located at 5166 West Point Loma Boulevard in the Ocean Beach Community Planning Area, Coastal Overlay Zone (appealable area), Coastal Height Limitation Overlay Zone, Airport Environs Overlay Zone (AEOZ), Airport Approach Overlay Zone (AAOZ) and the Ocean Beach Cottage Emerging Historic District.

Project Applicant: David Stebbins
5166 West Point Loma Boulevard
San Diego, CA 92107
(619) 224-0674

Project Description: SITE DEVELOPMENT PERMIT and a COASTAL DEVELOPMENT PERMIT to demolish a single-level 1,250 square-foot residence and construct a 1,749 square-foot, three-level single dwelling unit with a subterranean parking garage on a 2,500 square-foot lot.

This is to advise that the City of San Diego City Council on May 22, 2007, approved the above described project and made the following determinations:

The project in its approved form will, X will not, have a significant effect on the environment.

 An Environmental Impact Report was prepared for this project and certified pursuant to the provisions of CEQA.

 X A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

 An addendum to a Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Record of project approval may be examined at the address above.

Mitigation measures were, X were not, made a condition of the approval of the project.

It is hereby certified that the final environmental report, including comments and responses, is available to the general public at the office of the Land Development Review Division, Fifth Floor, City Operations Building, 1222 First Avenue, San Diego, CA 92101.

Analyst: Cass

Telephone: (619) 446-5330

Filed by:

Signature

Title

Reference: California Public Resources Code, Sections 21108 and 21152.

Item no. 9

PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
MARCH 1, 2007
IN CITY COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING

CHRONOLOGY OF THE MEETING:

Chairperson Schultz called the meeting to order at 9:08 a.m. Chairperson Schultz adjourned the meeting at 10:33 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Barry Schultz-present
Vice-Chairperson Kathleen Garcia- present
Commissioner Robert Griswold- present
Commissioner Gil Ontai-present
Commissioner Dennis Otsuji- present
Commissioner Eric Naslund- present
Vacancy
Mary Wright, Planning Department – present
Mike Westlake, Development Services-present
Shirley Edwards, City Attorney- present
Sabrina Curtin, Recorder-present

001034

WITH THE CORRECTIONS INDICATED BY THE PLANNING COMMISSION.
Second by Commissioner Ontai. Passed by a 5-1-1 vote with Commissioner Griswold voting nay and one vacancy.

ITEM-8: *Continued from January 25, 2007 & February 8, 2007.*

*LAS PALMAS - PROJECT NO. 92178

COMMISSION ACTION:

MOTION BY COMMISSIONER GRISWOLD TO CONTINUE TO MARCH 29, 2007. Second by Commissioner Otsuji.
Passed by a 6-0-1 vote with one vacancy.

ITEM-9: *Continued from February 8, 2007:*

*STEBBINS RESIDENCE - PROJECT NO. 51076

Laila Iskander updated the Commission since the project was heard on February 8, 2007.

Speaker slip submitted in favor by David Stebbins

Speaker slips submitted in opposition by Nancy Taylor, William Wilson, and Landry Watson.

Public Testimony was closed.

COMMISSION ACTION:

MOTION BY COMMISSIONER GRISWOLD TO CERTIFY MITIGATED NEGATIVE DECLARATION NO. 51076, AND ADOPT THE MITIGATION, MONITORING AND REPORTING PROGRAM.

APPROVE COASTAL DEVELOPMENT PERMIT NO. 147134 AND APPROVE SITE DEVELOPMENT PERMIT NO. 389939.

Second by Commissioner Naslund passed by a 6-0-1 vote with a vacancy.
Resolution No. 4227-PC.